

City Clerk File No. Ord. 16.025

Agenda No. 3.A 1st Reading

Agenda No. 4.A 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE **16.025**

TITLE:

**CY 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Municipal Council of the City of Jersey City in the County of Hudson finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Municipal Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$15,379,945 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Municipal Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Jersey City, in the County of Hudson, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the City of Jersey City shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$15,379,945, and that the CY 2016 municipal budget for the City of Jersey City be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED: _____

APPROVED: _____

Business Administrator

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

**CALENDAR YEAR 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

Initiator

Department/Division	Administration	Management & Budget
Name/Title	Donna Mauer	Chief Financial Officer
Phone/email	201-547-5042	DonnaM@jcnj.org


Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

An annual COLA is authorized under the original 1977 budget cap law, currently reflected as N.J.S.A. 40a:45-45.1a. The COLA for CY 2016 budget is ZERO percent (0%). Pursuant to N.J.S.A. 40A:4-45.2, "municipalities and counties shall be prohibited from increasing their final budget by more than 2.5% or the cost-of-living adjustment, **whichever is less....**" unless action is taken by the governing body to increase their final appropriations subject to the cap to the statutorily permitted 3.5%.

A municipality may by ordinance increase the COLA percentage up to 3.5% or bank (for up to two years) the difference between its final appropriation subject to the cap and 3.5%. CAP banking is not automatic. A single ordinance can be used to accomplish both activities: increasing appropriations cap and banking any unappropriated balance. Cap bank balances from 2014 and 2015 are available for use in 2016.

I certify that all the facts presented herein are accurate.


Signature of Department Director

2/1/16
Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.025
TITLE: 3.A FEB 10 2016 4.A

FEB 2 4 2016

Ordinance to exceed the Municipal Budget appropriation limits and to establish a Cap Bank. (N.J.S.A.40A:4-45.14).

RECORD OF COUNCIL VOTE ON INTRODUCTION FEB 10 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING FEB 2 4 2016											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>WATTERMEN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson moved to amend* Ordinance, seconded by Councilperson & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

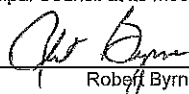
RECORD OF FINAL COUNCIL VOTE FEB 2 4 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

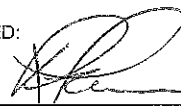
N.V.--Not Voting (Abstain)

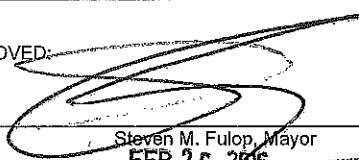
Adopted on first reading of the Council of Jersey City, N.J. on **FEB 10 2016**
Adopted on second and final reading after hearing on **FEB 2 4 2016**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **FEB 2 4 2016**


Robert Byrne, City Clerk

*Amendment(s):

APPROVED: 
Rolando R. Lavarro, Jr., Council President
Date **FEB 2 4 2016**

APPROVED: 
Steven M. Fulop, Mayor
Date **FEB 2 6 2016**

Date to Mayor **FEB 2 5 2016**

City Clerk File No. Ord. 16.026

Agenda No. 3.B 1st Reading

Agenda No. 4.B 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.026

TITLE:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE III (MAYOR) AND ARTICLE VI (DEPARTMENT OF ADMINISTRATION) OF THE JERSEY CITY MUNICIPAL CODE TO CREATE AN OFFICE OF DIVERSITY AND INCLUSION

COUNCIL offered and moved adoption of the following Ordinance:

- A. The following amendments to Chapter 3 (Administration of Government) Article III (Mayor) are hereby adopted:

ADMINISTRATION OF GOVERNMENT
ARTICLE III
Mayor

§3-18. - Organization of office.

Within the office of the Mayor there is hereby created a Resident Response Center, the head of which shall be the Director of the Resident Response Center, and the following additional offices, the heads of which shall be under the personal supervision of the Mayor or a Deputy Mayor as designated by the Mayor:

- A. Emergency Management;
- B. Resident Response Center; and
- C. Cultural Affairs.

§3-19. Office of Municipal Emergency Management. No Change.

§3-19.1. Resident Response Center Created; Head.

Within the office of the Mayor there is hereby created a Resident Response Center, the head of which shall be the Director of the Resident Response Center.

§3-19.2. Powers and Duties of the Resident Response Center.

~~[There is hereby created within the Resident Response Center the following offices:]~~ The Resident Response Center shall supervise the central telephone switchboard operation and supervise the Bureaus created pursuant to Section 3-19.2.1 hereunder:

~~[A. Office of Constituent Services to resolve complaints and inquires on all aspects of City services and operations to enhance constituent confidence in government by expediting the handling of citizens' complaints and inquires in coordination with the various departments of City government and autonomous agencies.]~~

~~[E. Supervise the central telephone switchboard operation.]~~

~~[B. Office of Diversity and Inclusion to oversee inter-departmental issues impacting diversity, heritage and inclusion.]~~

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE III (MAYOR) AND ARTICLE VI (DEPARTMENT OF ADMINISTRATION) OF THE JERSEY CITY MUNICIPAL CODE TO CREATE AN OFFICE OF DIVERSITY AND INCLUSION

~~(1) Diversity Functions:~~

- ~~(a) Facilitate ethnic diversity and heritage events, art shows, street fairs, outdoor concert series, holiday festivals and all other ethnic heritage programs;~~
- ~~(b) Act as liaison for the City with other local, county, state and federal governmental agencies; community organizations and groups; nonprofit and faith-based organizations on issues involving diversity and heritage;~~
- ~~(c) Promote the recognition of the contributions of diverse cultures, ethnic groups, and heritage traditions to and within the City.~~

~~(2) Inclusion Functions:~~

- ~~(a) Oversee the implementation of a Citywide policy for immigrant integration;~~
- ~~(b) Collaborate existing City services and marshal existing resources to better serve the immigrant population in Jersey City;~~
- ~~(c) Work collaboratively with community organizations to facilitate the implementation of the delivery of services and programs to the public, foster successful integration of the immigrant population in the City, and ensure that public input into the process is consistently maintained;~~
- ~~(d) Provide guidance to and act as a resource for the immigrant constituents in the City to assist them through the maze of state, county and local resources that provide targeted services to immigrants, including referrals to nonprofit and faith-based organizations, English language acquisition, citizenship acquisition, accreditation and qualification services, and employment support;~~
- ~~(e) Strengthen the connections between immigrants and their communities through civic engagement, cultural activities and other opportunities;~~
- ~~(f) Reduce exploitation of immigrants by fraudulent enterprises, scams and confidence schemes.~~
- ~~(g) Act as a liaison to and serve as an exofficio member of the Immigrant Affairs Commission, and provide support services thereto.~~

C. Office of Veteran's Affairs to:

- ~~(1) Assist veterans in applying for disability, educational, and other benefits that may exist under federal and state laws;~~
- ~~(2) Act as liaison on behalf of veterans with City, County, State and Federal Governmental Agencies;~~
- ~~(3) Assist veterans in understanding their veterans' preference rights in public employment and under various tax exemption statutes and other laws.~~

§3-19.2.1. Bureaus under the Office of Resident Response Center: Head.

- A. Bureau of Veteran's Affairs. There is hereby created within the Resident Response Center the Bureau of Veterans Affairs. The Bureau of Veterans Affairs shall:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE III (MAYOR) AND ARTICLE VI (DEPARTMENT OF ADMINISTRATION) OF THE JERSEY CITY MUNICIPAL CODE TO CREATE AN OFFICE OF DIVERSITY AND INCLUSION

- (a) Assist veterans in applying for disability, educational, and other benefits that may exist under federal and state laws;
 - (b) Act as liaison on behalf of veterans with City, County, State and Federal Governmental Agencies;
 - (c) Counsel veterans in understanding their veterans' preference rights in public employment and under various tax exemption statutes and other laws.
- B. Bureau. There is hereby created within the Resident Response Center a Bureau to provide the services below. The Bureau shall:
- (a) Be the central coordination and oversight entity for the inter-department collaboration on issues impacting immigrant integration and inclusion;
 - (b) Oversee the implementation of a citywide policy for the integration of newcomers to the United States;
 - (c) Coordinate existing City services and marshal existing resources to better serve the immigrant population in Jersey City;
 - (d) Work collaboratively with community organizations to facilitate the implementation of the delivery of services and programs to the public, foster successful integration of the immigrant population in the City, and ensure that public input into the process is consistently maintained;
 - (e) Provide guidance to and act as a resource for the immigrant constituents in the City to assist them through the maze of state, county and local resources that provide targeted services to immigrants, including referrals to nonprofit and faith-based organizations, English language acquisition, citizenship acquisition, accreditation and qualification services, and employment support;
 - (f) Strengthen the connections between immigrants and their communities through civic engagement, cultural activities and other opportunities;
 - (g) Reduce exploitation of immigrants by fraudulent enterprises, scams and confidence schemes;
 - (h) Act as a liaison to and serve as an ex officio member of the Immigrant Affairs Commission and provide support services thereto;
 - (i) Act as liaison for the City with other local, county, state and federal governmental agencies; community organizations and groups; including nonprofit and faith-based organizations, on issues involving inclusion.
- C. Bureau of Constituent Services. There is hereby created within the Resident Response Center a Bureau of Constituent Services. The Bureau shall accept and respond to constituents' complaints and inquires on all aspects of City services and operations to enhance constituent confidence in government by expediting the handling of citizens' complaints and inquires in coordination with the various departments of City government and autonomous agencies.

§3-19.3. Office of Cultural Affairs Created; Head.

There is hereby created an Office of Cultural Affairs, the head of which shall be the director of the Office of Cultural Affairs.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE III (MAYOR) AND ARTICLE VI (DEPARTMENT OF ADMINISTRATION) OF THE JERSEY CITY MUNICIPAL CODE TO CREATE AN OFFICE OF DIVERSITY AND INCLUSION

§3-19.4. Powers and Duties of the Office of Cultural Affairs.

The Office of Cultural Affairs which, notwithstanding any ordinance to the contrary, shall, including but not limited to, be responsible for:

- A. Serving as the primary point of intake for all applications for special public events, including but not limited to block parties, carnivals, circuses, festival/fairs, flea markets, and parades; and
- B. For organizing cultural events on behalf of the City, including but not limited to, cultural and heritage events, art shows, street fairs, outdoor concerts, holiday festivals and all other public cultural programs.
- B. The following amendments to Chapter 3 (Administration of Government) Article VI (Department of Administration) are hereby adopted:

ADMINISTRATION OF GOVERNMENT
ARTICLE VI
Department of Administration

§3-39. Through §3-53. No Change.

§3-54. Office of Diversity and Inclusion: Heads.

- A. There is hereby created within the Office of the Department of Administration an Office of Diversity and Inclusion. The head of the Office shall be the Chief Diversity and Inclusion Officer. There shall also be a Deputy Chief Diversity and Inclusion Officer, who shall assist the Chief in the management of the Office and assume the duties and responsibilities of the Chief in his or her absence.
- B. Should the Mayor by Executive Order establish an Advisory Board for either Lesbian, Gay, Bisexual and Transgender (LGBT) or Diversity and Inclusion matters, the Office of Diversity and Inclusion shall consider its advice and recommendations.

§3-54.1. Powers and Duties of Diversity and Inclusion.

The Office of Diversity and Inclusion shall:

- A. Be the central office for inter-departmental and community collaboration on issues to promote the protection and inclusion of all persons irrespective of race, color, religion, sex (including pregnancy or gender identity), national origin, age, disability, sexual orientation or other protected characteristic;
- B. Be responsible for collecting and analyzing all data and other relevant information pertinent to the City's remedial hiring and purchasing efforts;
- C. Maintain a database of minority and women-owned business enterprises;
- D. Be responsible for reviewing the annual report of the Abatement and Compliance Officer and coordinating with the City's Employment and Training Office to ensure that developers hire minority and women-owned businesses from the City's minority and women-owned business database;
- E. Organize training seminars for all eligible businesses on how they can become certified as minority and women-owned business enterprises;

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE III (MAYOR) AND ARTICLE VI (DEPARTMENT OF ADMINISTRATION) OF THE JERSEY CITY MUNICIPAL CODE TO CREATE AN OFFICE OF DIVERSITY AND INCLUSION

- F. Maintain a database of all contracts with minority and women-owned business enterprises organized by department, as well as serve as the custodian of all research, information and data pertaining to the City's diversity and inclusion efforts;
- G. Host a biannual workshop, in conjunction with the Division of Purchasing, on how minority and women business owners can become City vendors or service providers;
- H. Create a webpage on the City's website providing access to the minority and women-owned business enterprises database. The page should also provide automatic notice to qualifying businesses of relevant opportunities and should allow other businesses to post opportunities. The website shall also feature career and contracting opportunities jobs with the City;
- I. Initiate a public relations campaign to create awareness of the City's minority and women-owned business enterprise database, and the goals underlying it, to encourage all relevant businesses to sign up and use it when sourcing goods and services;
- J. Review the monthly reports from the Director of Purchasing detailing how many of the goods and services procured that month by the City were to local, minority or women-owned businesses;
- K. Coordinate with the Compliance Office to ensure the following City goals:

Work with developers to ensure that they utilize the minority and women-owned business enterprises database for subcontractors and goods;

Monitor the activities of local minority and women contractors and subcontractors to determine if the targets established in Project Employment and Contracting Agreement (PECA) and Project Labor Agreement (PLA) have been achieved;
- L. Engage in outreach efforts at local schools and institutions to cultivate relationships with local youth;
- M. Undertake periodic demographic and salary audits of all City employees to determine if there are any pay equality issues;
- N. Monitor its own outreach initiatives to track how often each initiative is utilized in order to evaluate its effectiveness and collaborate with the Diversity and Inclusion Advisory Board to improve its efforts;
- O. Issue an annual report to the Mayor detailing the activities of the Office of Diversity and Inclusion during the prior year and the status of ongoing and future initiatives;
- P. Oversee, review, implement and update the Diversity and Inclusion strategic plan;
- Q. Be the central coordination and oversight entity for the inter-departmental collaboration on issues impacting diversity;
- R. Be the central coordination and oversight entity for the inter-departmental collaboration on issues impacting hiring;
- S. Obtain data pertinent to the City's remedial hiring and purchasing efforts and updating the (ODI) website;
- T. Oversee the periodic review and update of the disparity study, commonly known as the Croson Study.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE III (MAYOR) AND ARTICLE VI (DEPARTMENT OF ADMINISTRATION) OF THE JERSEY CITY MUNICIPAL CODE TO CREATE AN OFFICE OF DIVERSITY AND INCLUSION

§3-54.2. Bureaus under the Office of Diversity and Inclusion: Heads.

- A. Bureau of Business Opportunity, Procurement and Training. There is hereby created the Bureau of Business Opportunity, Procurement and Training, the head of which shall be the Field Officer of Bureau of Business Opportunity, Procurement and Training. The Bureau of Business Opportunity, Procurement and Training shall assist the Chief Diversity and Inclusion Officer in the implementation of the Powers and Duties listed under Subsections D, E, G, J, K and M of Section 3-19.6 above, and shall assist in organizing job fairs and training programs.
- B. Bureau of Community Resources & Services. There is hereby created the Bureau of Community Resources & Services, the head of which shall be the Field Officer of Bureau of Community Resources & Services. The Bureau of Community Resources & Services shall Assist the Chief of Diversity and Inclusion (ODI) in the implementation of Powers and Duties listed under Subsections C, F, H, I, and L of Section 3-19.6 above, and shall assist the Chief Diversity and Inclusion Officer as community liaison.

§3-55. Through §3-60.11. No Change.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted.
For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

2/09/16

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐
Not Required ☐

APPROVED: _____

APPROVED: _____

Business Administrator

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.026
TITLE: 3.B FEB 10 2016 4.B

FEB 2 4 2016

Ordinance amending and supplementing Chapter 3 (Administration of Government) Article III (Mayor) and Article VI (Department of Administration) of the Jersey City Municipal Code to create an Office of Diversity and Inclusion.

RECORD OF COUNCIL VOTE ON INTRODUCTION FEB 10 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING FEB 2 4 2016 9-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>WATTERMANN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALZER
ESTHER WINTNER

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE FEB 2 4 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **FEB 10 2016**
Adopted on second and final reading after hearing on **FEB 2 4 2016**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **FEB 2 4 2016**

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:
Rolando R. Lavarro, Jr., Council President
Date **FEB 2 4 2016**

APPROVED:
Steven M. Fulop, Mayor
Date **FEB 2 6 2016**
Date to Mayor **FEB 2 5 2016**

City Clerk File No. Ord. 16.028
Agenda No. 3.D 1st Reading
Agenda No. 4.D 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.028

TITLE:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS
TO THE LAND DEVELOPMENT ORDINANCE – CHAPTER 345-31 - APPLICATIONS AND CHECKLISTS –
TO ADD DIGITAL SUBMISSION REQUIREMENTS.**

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the Municipal Council adopted the Land Development Ordinance, Chapter 345 of the Code of the City of Jersey City, on April 11, 2001, (Ordinance No. 01-042), and several amendments since then; and

WHEREAS, Chapter 345-31 regulates Applications and Checklists for development applications including Minor Site Plan (345-31D), Preliminary and Final Major Site Plan (345-31E), Minor Subdivision (345-31F), and Preliminary and Final Major Subdivision (345-31G) applications; and

WHEREAS, digital submission of development applications will expedite internal processing and provide facilitated access to public documents; and

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and

WHEREAS, the Planning Board at its meeting of January 12, 2016 did vote to recommend that the Municipal Council adopt these amendments to Chapter 345-31 of the Land Development Ordinance; and

WHEREAS, the amendments to the Land Development Ordinance are attached hereto and made a part hereof, and are available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

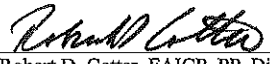
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as per the attached document;

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

APPROVED AS TO LEGAL FORM

Certification Required ☐
Not Required ☐


Robert D. Cotter, FAICP, PP, Director
Division of City Planning

APPROVED: 

APPROVED: _____

Business Administrator

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – CHAPTER 345-31 - APPLICATIONS AND CHECKLISTS – TO ADD DIGITAL SUBMISSION REQUIREMENTS.

Initiator

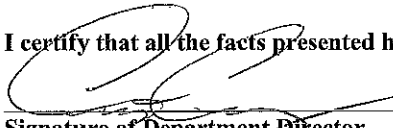
Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, FAICP Matt Ward, PP, AICP	Director Senior Planner
Phone/email	201-547-5010	bobbvc@icnj.org mward@icnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

This Ordinance will amend § 345-31 of the Land Development Ordinance to require digital submission of development applications for Minor Site Plan (345-31D), Preliminary and Final Major Site Plan (345-31E), Minor Subdivision (345-31F), and Preliminary and Final Major Subdivision (345-31G) applications. This Ordinance will expedite internal processing of these applications and provide facilitated access to public documents.

I certify that all the facts presented herein are accurate.


Signature of Department Director

Date

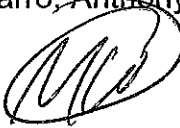
1/29/16

1/28/16

Department of Housing, Economic Development & Commerce
Division of City Planning



Inter-Office Memorandum

DATE: February 1, 2016
TO: Council President Lavarro, Anthony Cruz, Bob Cotter
FROM: Matt Ward, PP, AICP 
SUBJECT: LDO amendment – Digital Submissions

The proposed amendment adds digital submissions to the Application Checklist for development applications to the Planning and Zoning Boards.

The purpose of this amendment two-fold:

1. Digitizing applications from the outset will help retain files in perpetuity and move away for a paper-based filing system; and
2. Facilitate access to public documents by the general public.

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – CHAPTER 345-31 - APPLICATIONS AND CHECKLISTS – TO ADD DIGITAL SUBMISSION REQUIREMENTS.

This Ordinance will amend § 345-31 of the Land Development Ordinance to require digital submission of development applications for Minor Site Plan (345-31D), Preliminary and Final Major Site Plan (345-31E), Minor Subdivision (345-31F), and Preliminary and Final Major Subdivision (345-31G) applications. This Ordinance will expedite internal processing of these applications and provide facilitated access to public documents.

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.028
TITLE: 3.D FEB 10 2016 4.D

FEB 2 4 2016

Ordinance of the Municipal Council of the City of Jersey City
adopting amendments to the Land Development Ordinance -
Chapter 345-31-Applications and Checklists to add digital
submission requirements

RECORD OF COUNCIL VOTE ON INTRODUCTION FEB 10 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING FEB 2 4 2016 9-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>RAMCHAL</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE FEB 2 4 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **FEB 10 2016**
Adopted on second and final reading after hearing on **FEB 2 4 2016**

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on **FEB 2 4 2016**

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date **FEB 2 4 2016**

APPROVED:

Steven M. Fulop, Mayor

Date **FEB 2 6 2016**

Date to Mayor **FEB 2 5 2016**

City Clerk File No. Ord. 16.030

Agenda No. 3.F 1st Reading

Agenda No. 4.E 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.030

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-9 (STOP INTERSECTIONS) OF THE JERSEY CITY TRAFFIC CODE DESIGNATING BOTH MONMOUTH STREET AND SIXTH STREET AND WEBSTER AVENUE AND NORTH STREET AS A MULTI-WAY STOP INTERSECTION

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) Section 332-9 (Stop Intersections) of the Jersey City Traffic Code is hereby supplemented as follows:

Section: 332-9 Stop Intersections.

The Intersections listed below are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

Street 1 (Stop Sign On)	Direction of Travel	Street 2 (At Intersection)
<u>Monmouth St</u> Sixth St	<u>North</u> West	<u>Sixth St - Multi</u> Monmouth St - <u>Multi</u>
<u>Webster Av</u> North St	<u>North/South</u> East	<u>North St - Multi</u> Webster Av - <u>Multi</u>

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
4. This ordinance shall take effect at the time and in the manner as prescribed by law.
5. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material to be inserted is underscored.

JDS:pcl
(1.22.16)

APPROVED AS TO LEGAL FORM

Certification Required ☐
Not Required ☐

APPROVED:
Director of Traffic & Transportation

APPROVED:
Municipal Engineer
APPROVED:

Business Administrator

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-9 (STOP INTERSECTIONS) OF THE JERSEY CITY TRAFFIC CODE DESIGNATING BOTH MONMOUTH STREET AND SIXTH STREET AND WEBSTER AVENUE AND NORTH STREET AS A MULTI-WAY STOP INTERSECTION

Initiator

Department/Division	Administration	Architecture, Engineering, Traffic and Transportation
Name/Title	Joao D'Souza	Director of Traffic & Transportation
Phone/email	201.547.4470	JOAO@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

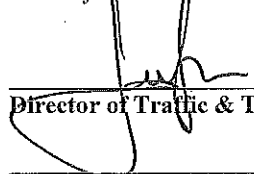
Ordinance Purpose

AN ORDINANCE DESIGNATING BOTH MONMOUTH STREET AND SIXTH STREET AND WEBSTER AVENUE AND NORTH STREET AS A MULTI-WAY STOP INTERSECTION

The purpose of this Ordinance is to designate the northbound approach of Monmouth Street, at its intersection with Sixth Street, as a stop street. The westbound approach of Sixth Street where it intersects with Monmouth Street is already designated as a stop street and designate the northbound and southbound approach of Webster Avenue, at its intersection with North Street, as a stop street. The eastbound approach of North Street where it intersects with Webster Avenue is already designated as a stop street.

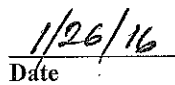
Designating both of these intersections as a "multi-way" stop will increase traffic safety and operational characteristics at each of the subject intersections based on a detailed review of traffic conditions and guidance outlined within the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.

I certify that all the facts presented herein are accurate.



Director of Traffic & Transportation

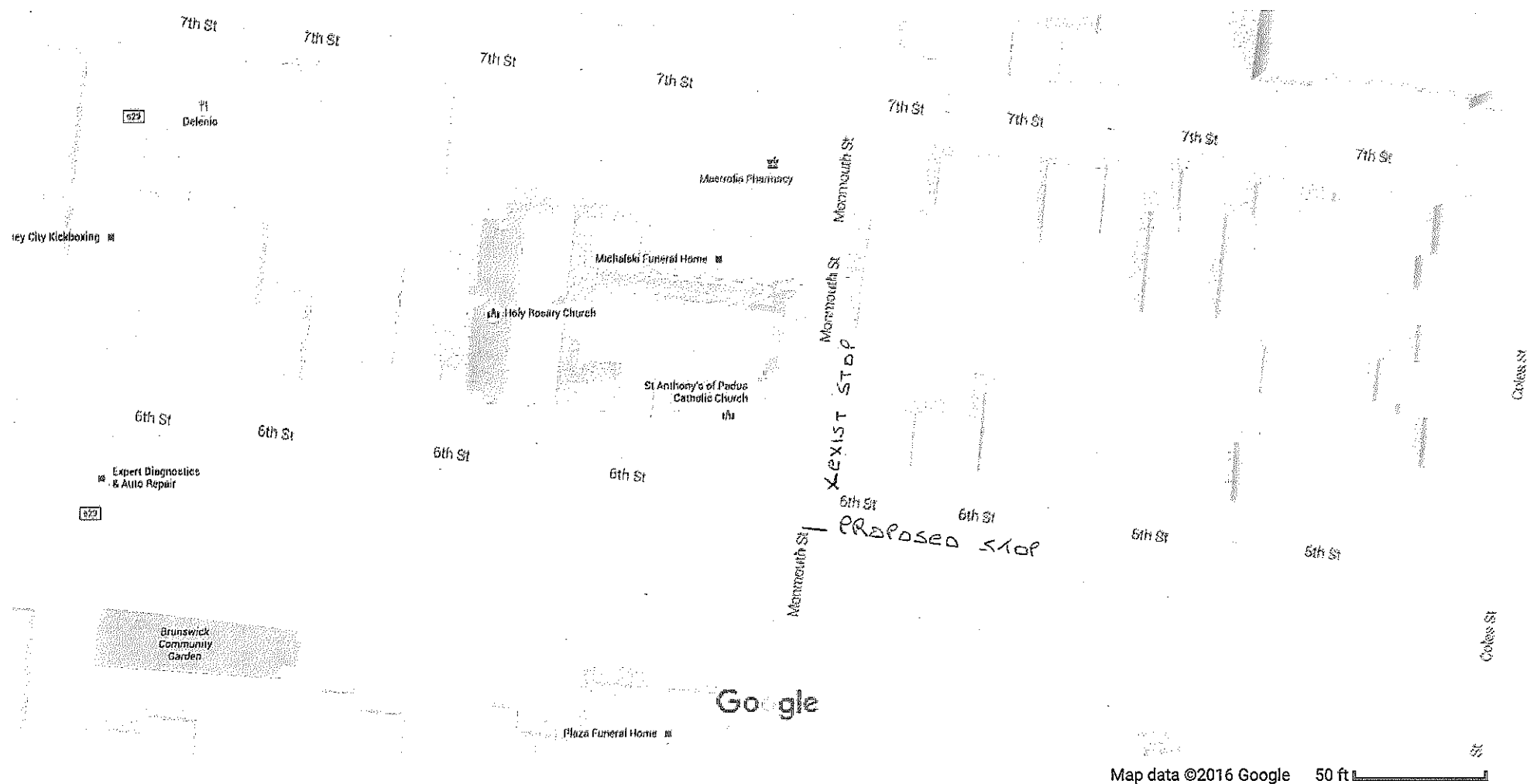
Signature of Department Director



Date

Date

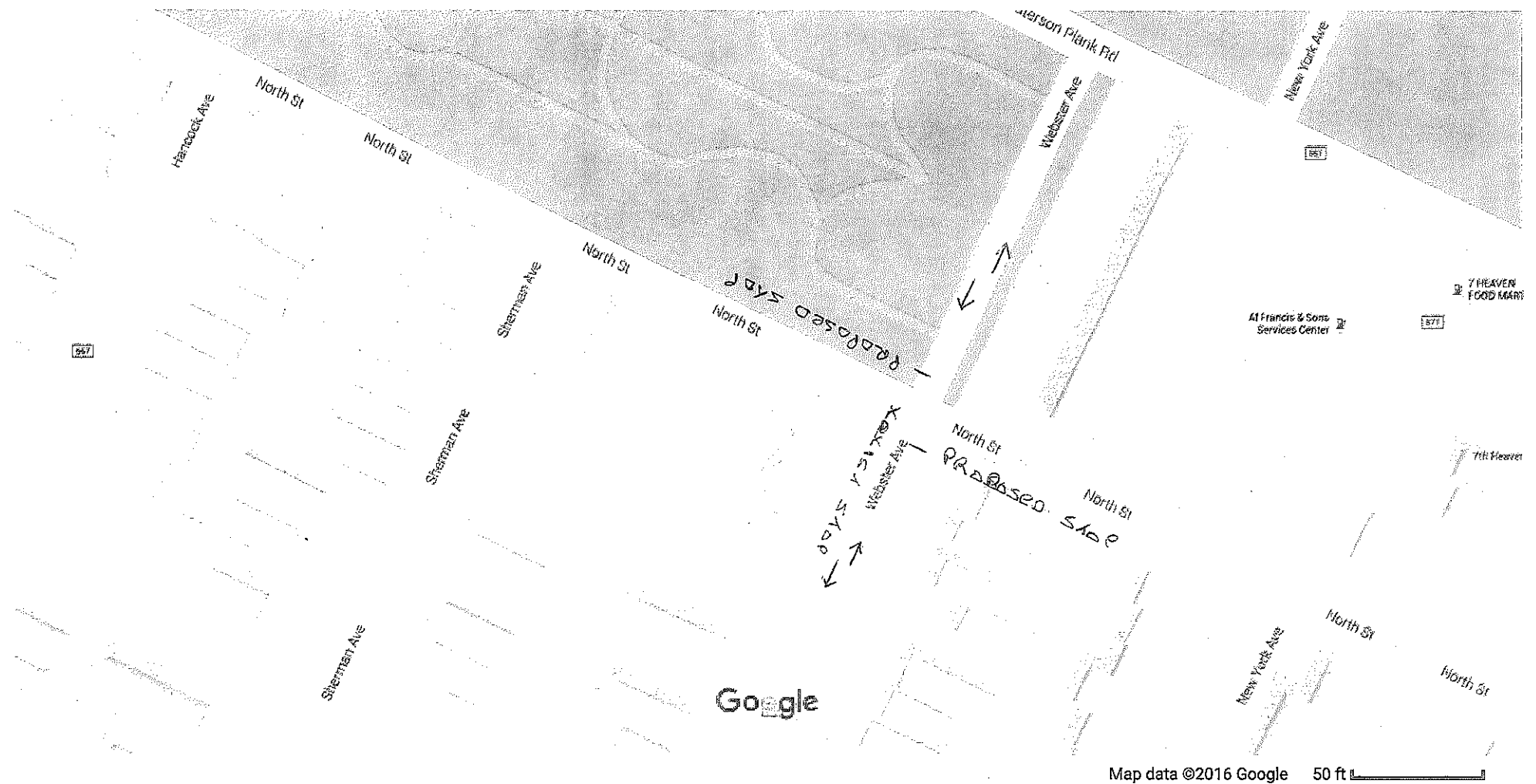
Google Maps



Blizzard Warning: New Jersey

updated 3 hours 16 mins ago · National Weather Service

Google Maps North St



North St
Jersey City, NJ

Map data ©2016 Google 50 ft



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURE, ENGINEERING, TRAFFIC & TRANSPORTATION
MUNICIPAL SERVICES COMPLEX | 13-15 LINDEN AVE EAST | JERSEY CITY, NJ 07305
P: 201 547 5900 | F: 201 547 5806



ROBERT KAKOLESKI
BUSINESS ADMINISTRATOR

MEMORANDUM

DATE: January 22, 2016

TO: Jeremy Farrell, Corporation Counsel
Robert Kakoleski, Business Administrator
Robert Byrne, City Clerk
James Shea, Director, Department of Public Safety
Councilman Michael Yun, Ward D
Councilwoman Osborne, Ward E

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: **PROPOSED ORDINANCE – MULTI-WAY STOP INTERSECTIONS**

Please be advised, this Division has proposed legislation (for the Council's consideration) amending Chapter 332(Vehicles and Traffic) Section 332-9(Stop Intersections) of the Jersey City Traffic Code.

The purpose of this Ordinance is to designate the northbound approach of Monmouth Street, at its intersection with Sixth Street, as a stop street. The westbound approach of Sixth Street where it intersects with Monmouth Street is already designated as a stop street and designate the northbound and southbound approach of Webster Avenue, at its intersection with North Street, as a stop street. The eastbound approach of North Street where it intersects with Webster Avenue is already designated as a stop street.

The recommended amendments should appear on the Agenda for the February 10, 2016 Municipal Council Meeting.

Patricia Logan,
Supervising Traffic Investigator

Joao D'Souza,
Director of Traffic & Transportation

C: Jose R. Cunha, P.E., Municipal Engineer
Andrew Vischio, P.E.
Chief of Staff Mark Albiez
Philip Zacche, Chief of Police
Captain Daniel Solliti, Commander, East District
Captain Edgar Martinez, Commander, North District
Mary Spinello-Paretti, Business Administrator, Division of Enforcement, Public Safety
Council President LaVarro, Jr. Councilwoman Watterman Councilman Rivera
Councilman Gajewski Councilman Ramchal Councilman Boggiano
Councilwoman Coleman

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.030

TITLE: 3.F FEB 10 2016 4.E

FEB 2 4 2016

An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) Section 332-9 (Stop Intersections) of the Jersey City Traffic Code designating both Monmouth Street and Sixth Street and Webster Avenue and North Street as a multi-way stop intersection.

RECORD OF COUNCIL VOTE ON INTRODUCTION FEB 10 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING FEB 2 4 2016 8-0											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>RAMCHAL</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	ABSENT		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE FEB 2 4 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on FEB 10 2016
 Adopted on second and final reading after hearing on FEB 2 4 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 2 4 2016

Robert Byrne
 Robert Byrne, City Clerk

*Amendment(s):

APPROVED: [Signature]
 Rolando R. Lavarro, Jr., Council President
 Date FEB 2 4 2016

APPROVED: [Signature]
 Steven M. Fulop, Mayor
 Date FEB 2 6 2016

Date to Mayor FEB 2 5 2016

City Clerk File No. Ord. 16.031

Agenda No. 3.6 1st Reading

Agenda No. 4.F 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.031

**TITLE ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
AMENDMENTS TO THE WATER STREET REDEVELOPMENT PLAN TO INCENTIVIZE
AFFORDABLE HOUSING**

WHEREAS, the Municipal Council of the City of Jersey City adopted the Water Street Redevelopment Plan (the "Plan") in March of 2000; and

WHEREAS, the Municipal Council seeks to promote affordable housing and appropriate development along the Route 440 Corridor; and

WHEREAS, the attached amendments to the Water Street Redevelopment Plan have been reviewed by the Planning Board, at its regular meeting of January 26, 2016; and

WHEREAS, the Planning Board voted to recommend adoption of these amendments by the Municipal Council; and

WHEREAS, a copy of the Planning Board's recommended amendments to the Water Street Redevelopment Plan is attached hereto, and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the aforementioned amendments to the Morris Canal Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

Robert D. Cotter, PP, FAICP
Director, Division of City Planning

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐
Not Required ☐

APPROVED: _____

APPROVED: _____

Business Administrator

ORDINANCE/RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution/ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution/ordinance.

Full Title of Ordinance/Resolution**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
AMENDMENTS TO THE WATER STREET REDEVELOPMENT PLAN TO INCENTIVIZE
AFFORDABLE HOUSING****Initiator**

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, AICP	Director
	Jeff Wenger, PP, AICP	Principal Planner
Phone/email	201-547-5010	bobbyc@jcnj.org / jeff@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Purpose

This ordinance amends the Water Street Redevelopment Plan to create bonus incentives for the creation of affordable housing and makes minor modifications and updates to development standards, as well as a split zoned provision for large development sites.

I certify that all the facts presented herein are accurate.


Signature of Department Director


Date

2.1.16

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE WATER STREET REDEVELOPMENT PLAN
TO INCENTIVIZE AFFORDABLE HOUSING**

This ordinance amends the Water Street Redevelopment Plan to create bonus incentives for the creation of affordable housing and makes minor modifications and updates to development standards, as well as a split zoned provision for large development sites.

Proposed Amendments to the Water Street Redevelopment Plan as presented to the Jersey City Planning Board on January 26, 2016

Text that is unchanged is in plain face type like this.

~~Text that is deleted is in strike through and highlighted like this.~~

Text that is added is in bold and highlighted like this.

SECTION I. through SECTION VII NO CHANGE

VIII. SPECIFIC LAND USE REGULATIONS

- A. MIXED USE RESIDENTIAL ZONE** - The purpose of this district is to establish a zone which will permit the orderly phased conversion of industrial land uses to residential land uses compatible with the surrounding area and consistent with the Area's location adjacent to a transportation / light rail station. The permitted height within this Zone has been established to accommodate a mixture of the planned mid-rise development and planned low rise development as well as the existing low-rise residential areas adjoining the redevelopment area along Yale Avenue and Clark Avenue.

1. Permitted Principal Uses:
 - a. Mid-Rise Residential
 - b. Detached and Attached Single Family, Two Family Homes, Three Family Homes
 - c. Single Family and Two Family Townhouses and Stacked Townhouses
 - ~~d. Single family, two family, and three family attached and detached homes~~
2. Permitted Accessory Uses:
 - a. Off-street parking located within the principal building only.
 - b. Fences and walls.
 - c. Recreation areas and swimming pools, gymnasiums and health club facilities.
 - d. Neighborhood retail as part of the ground floor of medium rise apartments, provided that said neighborhood face and have direct pedestrian access from Mallory Avenue
3. Intensity of Development for the overall redevelopment site:
 - ~~a. The Maximum Density of the redevelopment plan area shall be 55 Dwelling Units per Acre, inclusive of the commercial land area.~~
 - ~~b. The ratio of 7-story apartment units to 4-story townhouse style units through out the redevelopment plan shall be no greater than 1.8 7-story apartment units to 1 Townhouse units.~~
3. **Maximum Permitted Density:**
 - a. Detached and Attached Single Family, Two Family Homes, Three Family Homes**
45 units per acre
 - b. Single Family and Two Family Townhouses and Stacked Townhouses**
50 units per acre
 - c. Mid-Rise Residential 55 units per acre.**
 - i. Affordable Housing Bonus Provision – The provision of affordable housing units is encouraged within Mid-Rise Residential Buildings. As such, when a developer provides affordable housing units within a mid-rise residential building, the permitted density may be exceeded pursuant to the following**

formula. A developer may construct affordable housing units in addition to the housing units permitted under the base density above. For every one (1) affordable housing unit provided, the developer may also construct four (4) additional market rate units (i.e. one (1) unit out of every five (5) additional units constructed above the permitted unit count must be an affordable unit). For the purposes of this bonus provision, an affordable housing unit is defined as a housing unit affordable to a family of moderate income as defined by the New Jersey Council on Affordable Housing (COAH). The affordable unit must be deed restricted for the use of a family of moderate income for a period of not less than ten (10) years from the date of the first certificate of occupancy. The maximum density permitted under these bonus provisions shall not exceed 100 units per acre in total, inclusive of units constructed under the permitted base density, the additional affordable units and the additional market rate units.

4. Bulk Requirements for various residential product types:
 - a. Mid-Rise apartments building with ground floor parking
Maximum Height: 7 stories
Minimum setback from curb: 15 feet from curb
 - b. Townhouse clusters including a mix of duplex units with flats above
Maximum Height: 4 stories
Minimum setback from curb: 15 feet from curb
 - c. One-, two-, and three-family dwellings
 - i. Maximum Height:
 - a. Principal Buildings- three (3) stories; forty-five (45) feet
 - b. Accessory Buildings- one (1) story; fifteen (15) feet
 - c. Fences and Walls- three (3) feet in the front yard area six (6) feet in the side and rear yard area
 - ii. Maximum Building Coverage: 60%
 - a. ~~Principal Buildings- fifty (50%)~~
 - b. ~~Accessory Buildings- twenty (20%) percent~~
 - c. ~~Total of not more than sixty (60%) percent.~~
 - d. Open porches, decks and patios shall not be calculated as building coverage, provided that at least the minimum landscape standards pursuant to section VII. B. are met.
 - iii. Minimum Setbacks
 - a. Detached Homes: Front yard 5 feet, rear yard 15 feet, side yard 3 feet to one side and five feet total to both
 - b. Attached Homes: Front yard 5 feet, rear yard 15 feet, side yard 3 feet on unattached side
 - c. Townhouses: Front yard 5 feet, rear yard 15 feet, side yard 3 feet end of row provided that no building shall be closer than five (5) feet to any street line; and further provided that private garages and sheds may occupy any rear yard area provided that there is at least fifteen (15) feet between the private garage and the principal structure unless the private garage is attached to the principal structure, in which case the private garage shall adhere to the 15 foot rear yard standard.
 - d. Detached structures may utilize a zero lot line option, wherein one side yard may be reduced to zero feet or near zero feet, provided that the distance between structures on adjoining lots remains at least 5 feet and the total setback for both side yards is at least 5 feet; and provided further that

the zero lot line setback cannot be adjacent to a street line. All yards shall be of sufficient size and arrangement to provide adequate air, light and open space; and meet all applicable building construction and fire codes for the proposed building and use.

d. Maximum Density: 30 dwelling units per acre

ed. Minimum Lot Size

- i. Detached homes; lot width 28 feet with rear alleys, 30 feet without rear alleys; lot area 2,660 square feet with rear alleys, 2,850 square feet without rear alleys.
- ii. Attached homes; lot width 28 feet with rear alleys, 30 feet without rear alleys; lot area 2,660 square feet with rear alleys, 2,850 square feet without rear alleys.
- iii. Townhouses; lot width 24 feet, lot area 2,280 square feet
- iv. Mid-rise buildings; 6,000 square feet**

Note: Regarding minimum lot width; All lots that adjoin Bennett Avenue on their side property line must have an average width of at least 35 feet to accommodate additional buffer plating area along this property line.

Note: Regarding lot depth and lot area; access to parking shall be provided by a rear alley, the area of the rear alley adjacent to the lot shall be considered part of the lot for purposes of calculating lot depth and lot area; notwithstanding that the alley may be a public right-of-way.

5. Buffers: All lots which adjoin Bennett Street along their western property line must provide a buffer along said property line consisting of a six (6) foot high decorative screen fence, or approved equivalent fence, located along the property line. Chain link or chain/metal mesh of any kind is prohibited. The buffer strip shall be planted with dense row of evergreen trees and shrubs. In addition, street trees shall be planted along Bennett Street not less than thirty (30) feet on center in order to create a visual barrier and aesthetically appealing appearance

Mid- Rise Apartments shall provide a buffer along any property line adjoining a commercial or industrial use or zone. Said buffer may be located within the required setback area and shall be at least fifteen (15) feet wide; with a six (6) foot high opaque decorative metal fence, or approved equivalent fence. The buffer strip shall be planted with a solid row of dense evergreen trees not less than six (6) feet tall at the time of planting and spaced not more than ten (10) feet on center. Additional flowering deciduous and broad leaf evergreen plant material shall also be planted in front of the evergreen trees in order to create a more complete visual barrier and an aesthetically appealing appearance.

6. Building Design Guidelines:

- a. Facade Treatment: The facades shall be designed to invoke aesthetic appearance. The use of masonry materials is required. Design accents are encouraged, such as, porches and entries into the first level dwelling units to encourage and enliven street level activity. Masonry and/or metal materials are required for these porches. The use of EIFS (ie "drivit" type) materials and/or concrete block is prohibited.
- b. Base Treatment: The base of medium rise apartment buildings of the ground floor, shall consist of masonry (i.e. brick) materials. The use of EIFS (i.e. "drivit" type) materials and/or concrete block is prohibited.

- c. Other Requirements: All requirements of section VII.A. of this plan shall also apply.
- d. The Planning Board shall have the authority to review and approve building plans and elevations to determine compliance with the intent and purpose of the above guidelines, including the types of exterior materials, finishes and design.

7. Minimum Off-Street Parking Requirements:

- a. Neighborhood Retail; 2.0 spaces per thousand square feet after the first 5,000 square feet.
- b. ~~Stacked Flat~~ **Mid-rise** apartments ~~style building~~ with ground floor parking – 0.9 per unit
- c. Townhouse clusters including a mix of duplex units with flats above – same as 1 - 3 family dwelling shown below
- d. All single-family residential structures 2 spaces*
- e. All two-family residential structures 3 spaces*
- f. All three-family residential structures 4 spaces*

* except that when parking is provided at the rear or side of a structure such that the curb at the front of the building is available for on street parking, only one space per unit will be required.

8. Permitted Signage

- a. **Mid-rise** Residential ~~Stacked~~ Apartments – One sign not to exceed eight (8) square feet, attached flush to the building wall, identifying the name of the building or complex, and street address only.
- b. Neighborhood retail – One sign per permitted use, identifying the use, not to exceed 10% of the first story portion of the wall to which it is attached. No plastic or similar material back-lit signs are permitted. Canvas like awnings a maximum of 19 feet in length are required for windows of all retail uses. Waterfall style awnings are prohibited.

The Planning Board shall have the authority to review all sign plans and elevations to determine compliance with the intent and purpose of the above requirements.

B. HIGHWAY RISE MIXED-USE ZONE –~~HR~~ The purpose of the highway rise ~~mixed-use~~ zone is to provide a suitable area along Route 440 for the development of commercial land uses that are compatible with the area's highway location and consistent with the types of commercial use already existing in the surrounding area, *and to accommodate the future development of mixed-use buildings as Route 440 transitions to the proposed Urban Boulevard configuration.* The zone line shall run along the center line of Bennett Street & as extended to the south to accommodate a new right-of-way. (See Map 3-Proposed Land Use Map)

1. Permitted Principal Uses:

- a. At the ground floor level:
 - i. The following uses may be located on the ground floor of a ~~low-rise, mid-rise or high-rise apartment~~ building: retail sales, retail services, category one and two restaurants, bars, financial institutions and services, and commercial health club/fitness center/gym. Restaurants, theaters, and/or health clubs/fitness centers/gyms may also occupy the second floor in this zone

provided that the second floor use is connected internally to ~~the same use on~~ the ground floor.

- b. Above the ground floor level:
 - i. residential
 - ii. offices (includes general, professional, medical)
 - iii. child day care centers
 - iv. civic uses
 - v. Public and private academic and technical schools
 - c. Any combination of the above
2. Permitted Accessory Uses and structures:
- a. Home Occupation in any residential unit in accordance with regulations of the Land Development Ordinance, Chapter 345-60.
 - b. Health/fitness Club reserved for the sole use of building occupants, on any floor of a mid-rise or high-rise apartment building
 - c. Roof-Top recreation space ~~on the roof of a mid-rise or high-rise apartment building~~
 - d. Meeting and/or community room on the second floor or above of a mid-rise or high-rise apartment building
 - e. Structured parking
3. Bulk Standards
- a. Minimum lot area: **6,000 square feet**
 - i. ~~Mixed use with office above 10,000 sf~~
 - ii. ~~Mixed use with residential above 6,000 sf~~
 - b. Minimum Lot Width: **60 feet**
 - i. ~~Mixed use with office above 100'~~
 - ii. ~~Mixed use with residential above 60'~~
 - c. Minimum Lot Depth - **No Change**
 - d. Required Front Yard - **No Change**
 - e. Required Rear Yard - **No Change**
 - f. Required Front Yard - **No Change**
 - g. Maximum FAR - **No Change**
 - h. Height
 - i. Mezzanines
 - a. Up to two residential floors of a mid-rise apartment building may include mezzanine levels, provided that mezzanines do not cover more than 33% of the interior space below, and provided that the maximum ceiling height of the mezzanine level shall be 9 feet.
 - b. Mezzanines are allowed in all commercial spaces, provided that mezzanines do not cover more than 33% of the interior space below, and provided that where a commercial use is permitted to occupy a second floor, either a mezzanine level or an internally connected second floor shall be permitted, but not both.

Use	Min height	Max height	Min floor-to-ceiling height	Max floor-to-ceiling height
Low Rise	1 story	3 stories	Res: 9 ft. Com: 12 ft.	Res: 12 ft. Com: 15 ft.
Mid Rise	4 stories	7 stories	Res: 9 ft. Com: 12 ft.	Res: 12 ft. Com: 15 ft.
High Rise	8 stories	12 stories	Res: 9 ft.	Res: 12 ft.

			Gr. Fl. Com: 10 12ft.	Gr. Fl. Com: 15 ft
--	--	--	-----------------------	--------------------

4. Parking Standards - **No Change**

5. Buffers - **No Change**

C. TRANSIT ORIENTED DEVELOPMENT ZONE **NO CHANGE**

SECTION IX. through SECTION XIV NO CHANGE

XV. Split Zoned Development Sites:

A. Any consolidated development site of at least 5 acres in area and which overlaps multiple zone districts and receives a single preliminary site plan approval (Final Major Site Plan approval may be applied for in phases) may utilize an overall residential development density of 115 units per acre for the entire site as a substitute for the FAR and unit/acre maximums permitted within each zone.

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.031

TITLE: 3.G FEB 10 2016 4.F FEB 2 4 2016

Ordinance of the Municipal Council of the City of Jersey City
adopting amendments to the Water Street Redevelopment Plan
to incentivize affordable housing.

RECORD OF COUNCIL VOTE ON INTRODUCTION FEB 10 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING FEB 2 4 2016 9-0											
Councilperson <u>RAMCHAL</u> moved, seconded by Councilperson <u>WATTERMANN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALZER
LAVERN WASHINGTON.

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE FEB 2 4 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on FEB 10 2016
Adopted on second and final reading after hearing on FEB 2 4 2016

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on FEB 2 4 2016

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President
Date FEB 2 4 2016

APPROVED:

Steven M. Fulop, Mayor
Date FEB 2 6 2016
Date to Mayor FEB 2 5 2016

City Clerk File No. Ord. 16.032

Agenda No. 3.H 1st Reading

Agenda No. 4G 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.032

TITLE: AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 10803, LOT 29.01, MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 211 BALDWIN AVENUE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City as an area in need of rehabilitation, is authorized to adopt an ordinance to utilize tax exemptions pursuant to N.J.S.A. 40A:21-1, et seq., also known as the Five (5) Year Exemption and Abatement Law; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., the City of Jersey City adopted Ordinance 05-060, Section 304-6 et seq. of the Municipal Code, to allow Five (5) Year Tax Exemptions; and

WHEREAS, Five (5) Year Tax Exemptions allow the Tax Assessor to regard the full and true value or a portion thereof of certain improvements as not increasing the full and true value of certain property for a period of five (5) years, provided the owner's application is approved by the Tax Assessor and by Ordinance of the Municipal Council; and

WHEREAS, 205 Baldwin Avenue, LLC is the owner of Block 10803, Lot 29.01 on the City's Tax Map and more commonly known by the street address of 211 Baldwin Avenue, Jersey City, New Jersey; and

WHEREAS, pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code, 205 Baldwin Avenue, LLC has applied for a tax exemption for a new seven (7) story building on the Property with forty (40) market-rate rental residential units and a seventeen (17) space parking garage [the Project]; and

WHEREAS, although the Project received site plan approval to from the Planning Board on August 18, 2015, construction of the Project has not yet commenced; and

WHEREAS, on January 7, 2016, the owner filed an application with the Tax Assessor to exempt the Project from taxes for five years, a copy of which is attached hereto; and

WHEREAS, 205 Baldwin Avenue, LLC proposes to pay the City (in addition to the full taxes on the land, which shall continue to be conventionally assessed at \$26,950 a payment for the improvements on the property, estimated as follows:

- (a) Year 1: the tax year in which the structure will be completed, no taxes on improvements;
- (b) Year 2: the second tax year, twenty percent (20%) of the taxes on the improvements, estimated to be \$13,966;
- (c) Year 3: the third tax year, forty percent (40%) of the taxes on the improvements, estimated to be \$28,490;
- (d) Year 4: the fourth tax year, sixty percent (60%) of the taxes on the improvements, estimated to be \$43,590;
- (e) Year 5: the fifth tax year, eighty percent (80%) of the taxes on the improvements, estimated to be \$59,283;

(f) Year 6: taxes on the improvements estimated to be \$75,586.

WHEREAS, the total tax to be paid over the five year term is estimated at \$285,579; and

WHEREAS, the Tax Assessor has determined that the full and true value of the new construction will generate an additional tax payment of \$75,586 a year; and

WHEREAS, the applicant has agreed that in the event the Citywide revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

WHEREAS, the application for tax exemption was complete and timely filed; the application was approved by the Tax Assessor and the newly constructed multiple dwelling is eligible for a tax exemption pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code; and

WHEREAS, upon the expiration of the tax exemption, the total assessment will generate a total annual tax payment of \$105,341, including taxes on the land; and

WHEREAS, 205 Baldwin Avenue, LLC will pay \$68,097 to the City's Affordable Housing Trust Fund at the rate of \$1,500 per residential unit for forty (40) units and \$1.50 for each square foot of parking (5,398 square feet); and

WHEREAS, on January 19, 2016, the Tax Exemption Committee recommended the approval of the tax exemption to the Mayor.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. The application, attached hereto, for a five (5) year tax exemption for the full and true value of the proposed seven (7) story building with forty (40) market-rate rental residential units and a seventeen (17) space parking garage on the first level located on Block 10803, Lot 29.01 of the City's Tax Map and more commonly known by the street address of 211 Baldwin Avenue, is hereby approved.

2. The Mayor or Business Administrator is hereby authorized to execute a tax exemption agreement which shall contain at a minimum, the following terms and conditions:

- (a) estimated tax payment on the new improvements shall be:
 - (i) Year 1: the tax year in which the structure will be completed, no taxes on improvements;
 - (ii) Year 2: the second tax year, twenty percent (20%) of the taxes on the improvements, estimated to be \$13,966;
 - (iii) Year 3: the third tax year, forty percent (40%) of the taxes on the improvements, estimated to be \$28,490;
 - (iv) Year 4: the fourth tax year, sixty percent (60%) of the taxes on the improvements, estimated to be \$43,590;
 - (v) Year 5: the fifth tax year, eighty percent (80%) of the taxes on the improvements, estimated to be \$59,283;
 - (vi) Year 6: Full taxes estimated to be \$75,586.

The applicant has agreed that in the event the Citywide revaluation results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder; during this five (5) year period, the amount due hereunder shall be calculated on the higher of the amount estimated above or the actual taxes due after the revaluation; and

- (b) The project shall be subject to all federal, state and local laws, and regulations on pollution control, worker safety, discrimination in employment, zoning, planning, and building code requirements pursuant to N.J.S.A. 40A:21-11(b).

- (c) If, during any tax year prior to the termination of the tax agreement, the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying, then the tax which would have otherwise been payable for each tax year shall become due and payable from the property owner as if no exemption and abatement had been granted. The collector forthwith ad the tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.
 - (d) With respect to the disposal of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.
 - (e) At the termination of a tax exemption agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for, an receiving the full benefits of, any other tax preferences provided by law.
 - (f) Affordable Housing Trust Fund: \$1,500 per unit (40 units) and \$1.50 for each square foot of parking (5,398 square feet) for a total of \$68,097.
3. The form of tax exemption agreement is attached hereto as Exhibit B, subject to such modification as the Corporation counsel or Business Administrator deems necessary.
 4. The Tax Assessor shall send a copy of the fully executed Financial Agreement will be sent to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of execution pursuant to N.J.S.A. 40a:21-11(d).
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - B. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - C. This ordinance shall take effect at the time and in the manner provided by law.
 - D. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JJH 2/9/16

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐
Not Required ☐

APPROVED: _____

APPROVED: _____
Business Administrator

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

An Ordinance Approving A Five (5) Year Tax Exemption for a Market Rate Rental Project owned by 205 Baldwin Avenue, LLC, Under the Short-Term Tax Exemption Law N.J.S.A. 40A:21-1 et. seq. Designated as Block 10803 Lot 29.01 on the City's Tax Map and known as 211 Baldwin Avenue.

Initiator

Department/Division	Office of the Mayor	Office of the Deputy Mayor
Name/Title	Marcos D. Vigil	Deputy Mayor
Phone/email	201-547-6542	mvigil@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

The applicant, 205 Baldwin Avenue, LLC is applying for a five (5) Year tax abatement for a seven (7) story forty (40) unit market rate residential rental project under N.J.S.A. 40 A: 21-1 et seq. The fee of \$8,000 was paid with the application.

The property is located on Baldwin Avenue between High Street and the Conrail Tracks. It is the consolidation of Lots 29, 30, 31 & 50 into Block 10803 Lot 29.01 on the Jersey City Tax Map. It will be known as 211 Baldwin Avenue. The property is approximately 11,163 square feet. The property is located in the 2060 Redevelopment Plan Area.

The proposed project is a seven (7) story forty (40) unit market rate rental residential building. A seventeen (17) unit parking garage occupies the first story. The next six (6) stories consist of residential rental units.

I certify that all the facts presented herein are accurate.

Marcos D. Vigil
Deputy Mayor

Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.032
TITLE: 3.H FEB 10 2016 4.G

FEB 2 4 2016

An ordinance approving a five (5) year tax exemption pursuant to the provisions of N.J.S.A. 40A:21-1, et seq., and Section 304-9 of the Municipal Code for property designated as Block 10803 Lot 29.01 commonly known by the street address of 211 Baldwin Avenue.

RECORD OF COUNCIL VOTE ON INTRODUCTION								FEB 10 2016 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING										FEB 2 4 2016 9-0	
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>WATTERMANN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

MIA SCANGA
ESTHER WINTNER

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE								FEB 2 4 2016 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **FEB 10 2016**
Adopted on second and final reading after hearing on **FEB 2 4 2016**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

FEB 2 4 2016

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date **FEB 2 4 2016**

APPROVED:

Steven M. Fulop, Mayor

Date **FEB 2 6 2016**

FEB 2 5 2016

Date to Mayor

City Clerk File No. Ord. 16.033

Agenda No. 3.I 1st Reading

Agenda No. 4.H 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.033

TITLE:

AN ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MIXED-USE, MARKET-RATE, RESIDENTIAL PROJECT TO BE CONSTRUCTED BY 720-726 BERGEN AVENUE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, 720-726 Bergen Avenue Urban Renewal, LLC ("Urban Renewal"), is an urban renewal entity, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. (Entity); and

WHEREAS, the Entity is owner of certain property known as Block 15003, Lot 2, more commonly known by the street address of 720-726 Bergen Avenue, as well as the owner of Block 15003, Lot 31, more commonly known by the street address of 280 Fairmont Avenue which were both consolidated into Block 15003, Lot 2.01, and more specifically described by metes and bounds, in the application [Property]; and

WHEREAS, the Property is located within an Urban Enterprise Zone as required by N.J.S.A. 40A:12A-5(g); and

WHEREAS, the Project received site plan approval from the Planning Board on July 7, 2015; and

WHEREAS, the Entity has applied for a thirty (30) year-long term tax exemption for a five (5) story building with fifty-eight (58) market-rate residential units, approximately 3,219 square feet of ground floor commercial/retail space and thirty-two (32) parking spaces; and

WHEREAS, the Property is in located within Tier IV of the Jersey City Tax Abatement Policy Map and Tier IV allows tax abatements for a period of up to thirty (30) years; and

WHEREAS, the Entity has requested a term of the earlier of thirty-five (35) years from the effective date of the Ordinance approving the abatement, or thirty (30) years from the date that the Project is deemed substantially complete; and

WHEREAS, the Entity proposes an annual service charge based upon eleven (11%) percent of gross revenue, and in addition, the Applicant would pay an annual fee to Hudson County based upon five (5%) percent of the service charge, and an administrative fee to the City of two (2%) percent of the service charge; and

WHEREAS, 720-726 Bergen Avenue Urban Renewal, LLC has agreed to:

1. pay the greater of (i) the Minimum Annual Service Charge or (ii) 11% of Annual Gross Revenue each year, which sum is estimated to be \$150,091, and which shall be subject to statutory staged increases over the term of the tax exemption; and
2. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee; and
3. provide employment and other economic opportunities for City residents and businesses;
4. pay to City for remittance to Hudson County, an amount equal to 5% of the Annual Service Charge upon receipt of that charge; and
5. provide a contribution to the City's Affordable Housing Trust Fund, pursuant to Ordinance 03-112, in the amount of \$106,563. This payment is nonrefundable and nontransferable and shall be forfeited by the Entity should either party terminate the tax exemption prior to the end of the herein term.

WHEREAS, the City hereby determines that the relative benefits of the project outweigh the cost of the tax exemption, for the following reasons:

1. the current real estate taxes generate revenue of only \$8,709, whereas, the Annual Service Charge as estimated, will generate revenue of more than \$150,091 to the City and an additional sum of approximately \$7,505 to Hudson County;
2. it is expected that the Project will create approximately sixty (60) jobs during construction and eight (8) new permanent jobs after construction;
3. the Project will stabilize and contribute to the economic growth of businesses in the surrounding area;
4. the Project will further the overall redevelopment objectives of the Urban Enterprise Zone;
5. the City's impact analysis, on file with the Office of the City Clerk, indicates that the benefits of the Project outweigh the costs to the City; and

WHEREAS, the City hereby determines that the tax exemption is important in obtaining development of the project and influencing the locational decisions of probable occupants for the following reasons:

1. the relative stability and predictability of the Annual Service Charges will make the Project more attractive to investors needed to finance the Project;
2. the relative stability and predictability of the Annual Service Charges will allow the owner to stabilize its operating budget, allowing a high level of maintenance to the building over the life of the Project, which will attract purchasers to the Project and insure the likelihood of the success of the Project; and

WHEREAS, 720-726 Bergen Avenue Urban Renewal, LLC has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing an appropriate letter in the Office of the City Clerk; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

- A. The application of 720-726 Bergen Avenue Urban Renewal, LLC an urban renewal company, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. a copy of which is on file in the office of the City Clerk, for

Block 15003, Lot 2.01, more commonly known by the street addresses of 720-726 Bergen Avenue and 280 Fairmont Avenue, more specifically described by metes and bounds in the application is hereby approved.

- B. The Mayor or Business Administrator is hereby authorized to execute a tax exemption Financial Agreement and a Project Employment and Contracting Agreement. The Financial Agreement shall include at a minimum the following terms and conditions:
1. Term: the earlier of 35 years from the adoption of the within Ordinance or 30 years from the date the project is Substantially Complete;
 2. Annual Service Charge: each year the greater of:
 - (a) the Minimum Annual Service Charge equal to \$150,091 upon Project Completion, whether or not the Project is occupied; or
 - (b) 11% of Annual Gross Revenue, initially estimated to be \$150,091, which shall be subject to statutory increases during the term of the tax exemption.
 3. Administrative Fee: 2% of the prior year's Annual Service Charge or \$3,002;
 4. County Payment: an additional 5% of the Annual Service Charge for remittance by the City to Hudson County or \$7,505;
 6. Affordable Housing Trust Fund: provide a contribution to the City's Affordable Housing Trust Fund, pursuant to Ordinance 03-112, in the amount of \$106,563, which represents \$1,500 per unit at 58 units; (\$87,000) \$1.50 per approximately 3,219 square feet of Commercial Space (\$4,828) and \$1.50 per approximately 9,823 square feet of parking (\$14,734). This payment is nonrefundable and nontransferable and shall be forfeited by the Entity should either party terminate the tax exemption prior to the end of the herein term;
 7. Project: a five (5) story building with fifty-eight (58) market-rate residential rental units, 3,219 square feet of retail/commercial space and thirty-two (32) parking spaces;
 8. Project Employment & Contracting Agreement: an obligation to execute (i) a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses;
 9. Project Labor Agreement and Living Wage Mandate: The Entity certified that its construction costs are less than \$25 million. In the event a construction cost audit or report indicates construction costs of more than \$25 million, then the Entity shall execute a Project Labor Agreement and be required to pay the damages as set forth in Section 304-37(3) of the Municipal Code. Furthermore, in the event an audit indicates construction costs of more than \$25 million, the Entity shall also comply with the requirements of Section 3-76 of the Jersey City Municipal Code concerning required wage, benefit and leave standards for building service workers. In such a case, all janitors and unarmed security guards employed at the Project, including by any and all tenants or subtenants of the developer, shall not be paid less than the standard hourly rate of pay and benefits for their respective classifications and shall be provided with paid leave in accordance with the provisions of the Jersey City Municipal Code Section 3-51G(1).

10. The initial installment of the Affordable Housing Trust Fund contribution payment shall be due on execution of the Financial Agreement, but in no event later than ninety (90) days of the adoption of the ordinance. Interest shall accrue on such payments as of the 91st day at the same rate as the City charges for unpaid real estate taxes;
 11. The Financial Agreement shall be executed by the Entity no later than ninety (90) days following adoption of the within Ordinance. Failure to comply shall result in a repeal of the herein Ordinance and the tax exemption will be voided.
 12. The Ordinance will be rescinded if the closing of the sale of the property and transfer of title from the seller to the Entity does not take place within ninety (90) days of the date of adoption of the herein Ordinance, unless otherwise extended by the City;
 13. This Ordinance will sunset and the Tax Exemption will terminate unless construction of the Project begins within two (2) years of the adoption of the within Ordinance.
- C. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to 1) the City Tax Assessor, 2) the Director of the New Jersey Division of Local Government Services, 3) the Hudson County Chief Financial Officer and 4) the Hudson County Counsel within ten (10) calendar days of adoption or execution, whichever occurs later.
 - D. The application is on file with the office of the City Clerk. The Financial Agreement and Project Employment and Contracting Agreement shall be in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator or Corporation Counsel deems appropriate or necessary. The applicant shall execute the tax exemption agreement within ninety (90) days of the date of adoption of the herein Ordinance. Failure to comply shall result in the Ordinance being repealed and the tax exemption rescinded.
 - E. The actual date of execution of the tax exemption agreement shall not affect, alter or amend the Entity's obligation to make payments according to the intervals set forth in Section 304-28 of the Municipal Code and the tax exemption agreement. Should the Entity fail to make timely payments, interest shall begin to accrue at the rate set forth in the tax exemption agreement.
 - F. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - G. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - H. This ordinance shall take effect at the time and in the manner provided by law.
 - I. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore underlining has been omitted.
For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JJH 2/9/16

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐
Not Required ☐

APPROVED: _____

APPROVED: _____
Business Administrator

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

Ordinance approving Thirty year tax abatement for 720-726 Bergen Avenue Renewal, LLC, for a mixed use market rate rental project at 280 Fairmount Avenue, Block 15003, Lot 2.01 pursuant to N.J.S.A. 40 A: 20-1 et seq.

Initiator

Department/Division	Office of the Mayor	Office of the Deputy Mayor
Name/Title	Marcos D. Vigil	Deputy Mayor
Phone/email	201-547-6542	mvigil@jcnj.org

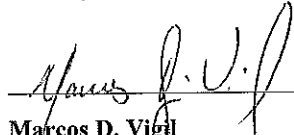
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

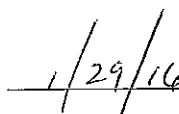
The applicant, 720-726 Bergen Avenue Urban Renewal, LLC, is applying for a thirty (30) year tax abatement under N.J.S.A. 40 A: 20-1 et seq. It will be a five (5) story market rate mixed-use rental project within an Urban Enterprise Zone. The proposed project, to be known as 280 Fairmount Avenue consisting of Block 15003 – Lot 2.01, is located in Tier IV on the Jersey City Tax Exemption Policy Map. The application fee of \$9,500 was paid.

The proposed project will be a five story building with fifty-eight (58) market rate residential units, approximately 3,219 square feet of ground floor commercial/retail space. There will be Thirty-two (32) covered exterior parking spaces.

I certify that all the facts presented herein are accurate.



Marcos D. Vigil
Deputy Mayor



Date

DATE: January 20, 2016

TO: John Hallanan (For distribution to City Council and City Clerk)

FROM: Al Cameron, Fiscal Officer - Tax Collector's Office

SUBJECT: THIRTY YEAR TAX ABATEMENT: MARKET RATE RESIDENTIAL
MIXED USE RENTAL PROJECT – 720-726 Bergen Avenue Urban
Renewal, LLC - Block 15003 Lot 2.01

CC: M. Cosgrove, E. Borja, E. Toloza, J. Monahan, M. Vigil, R. Kakoleski, G. Corrado

INTRODUCTION:

The applicant, – 720-726 Bergen Avenue Urban Renewal, LLC, is applying for a thirty (30) year tax abatement under N.J.S.A. 40 A: 20-1 et seq. It will be a five (5) story market rate mixed-use rental project within an Urban Enterprise Zone. The proposed project, to be known as 280 Fairmount Avenue consisting of Block 15003 – Lot 2.01, is located in Tier IV on the Jersey City Tax Exemption Policy Map. The application fee of \$9,500 was paid.

LOCATION OF THE PROPERTY:

The property, to be known as, 280 Fairmount Avenue, is the consolidation of Block 15003, Lots 2 & 31 into Block 2.01. It fronts on Bergen and Fairmount Avenues. The residential entrance will be on Fairmount and the Commercial will be on Bergen.

PROPERTY TO BE CONSTRUCTED:

The proposed project will be a five story building with fifty-eight (58) market rate residential units, approximately 3,219 square feet of ground floor commercial/retail space. There will be Thirty-two (32) covered exterior parking spaces. The residential units are as follows:

<u>Unit Type</u>	<u>Number of Units</u>
Studio	12
One Bedroom	30
Two Bedroom	16

ESTIMATED TOTAL CONSTRUCTION COST:

The cost of construction estimated at \$9,625,000, is certified by Richard Garber, the applicant's architect. Total Project Cost is projected at \$13,533,734.

CONSTRUCTION SCHEDULE:

The applicant expects to begin construction within twelve (12) months of approval of the abatement. Completion is expected within eighteen to twenty four (18-24) months of commencement.

ESTIMATED JOBS CREATED:

The applicant estimates creation of sixty (60) jobs during Construction and approximately eight (8) permanent jobs after construction. The applicant will execute a Project Employment and Contracting Agreement. However; based upon the estimated construction cost, a Project Labor Agreement is not required.

AFFORDABLE HOUSING TRUST FUND CONTRIBUTION:

720-726 Bergen Avenue Urban Renewal, LLC

		Rate	Amount
		\$1,500.0	
Residential Units	58	0	\$87,000.00
Square footage			
Commercial Space	3,219	\$1.50	\$4,828.50
Square footage Parking			
Garage	9,823	\$1.50	\$14,734.50
		Total AHTF	
		Payment	<u>\$106,563.00</u>

CURRENT REAL ESTATE TAX:

The existing assessment for the land and building is \$116,400. At the current tax rate of \$74.82 the estimated annual tax is \$8,709.

The new assessment on the land is \$456,500 and for the improvements it is \$250,800.

PROPOSED ABATEMENT:

The property is in Tier IV of the Jersey City Tiered Tax Exemption Policy Map. The applicant has requested a term of the lesser of thirty-five (35) years from the date of approval of an ordinance approving the abatement or thirty (30) years from substantial completion of the project.

720-726 Bergen Avenue UR LLC 30-Yr Sum (2)

1/28/2016 4:06 PM

The tier IV Tax Abatement Policy provides for a PILOT of a minimum of eleven percent (11%) of Annual Gross Revenue for years one (1) through nine (9). An additional two percent (2%) City administrative fee and a five percent (5%) service charge to Hudson County will be charged annually.

Beginning the first day of year ten (10) through the end of year thirteen (13) the PILOT would be the greater of eleven percent (11%) of Annual Gross Revenue or twenty percent (20%) of conventional taxes.

Beginning in year fourteen (14) through the end of year seventeen (17) it would be the greater of eleven percent (11%) of annual gross revenue, or forty percent (40%) of conventional taxes.

Beginning in year eighteen (18) through the end of year twenty-one (21) it would be the greater of eleven percent (11%) of Annual Gross Revenue, or sixty percent (60%) of conventional taxes.

Beginning in year twenty-two (22) until the end of year thirty (30) it would be the greater of eleven percent (11%) of Annual Gross Revenue, or eighty percent (80%) of conventional taxes.

PROPOSED REVENUE TO THE CITY:

At full occupancy the Applicant's good faith estimated initial annual revenue is \$1,364,467. The Annual Service Charge at the rate of eleven percent (11%) is \$150,091. The City Administrative fee at two percent (2%) is \$3,002 and the Hudson County fee of five percent (5%) is \$7,505.

SERVICE CHARGE VS CONVENTIONAL

720-726 BERGEN AVE

*ASSUMING 74.82 TAX RATE WITH 2% ANNUAL INCREASE

BLOCK

15003

LOT

2.01

NEW ASSESSMENTS BASED ON TAX ASSESSOR ANALYSIS

LAND	456,500	COUNTY	5%	EXISTING ASSESSMENT	116,400
BLDG	2,500,800	ADMIN	2%		
TOTAL	2,957,300			PROJECTED SERVICE CHARGE (1ST YEAR)	150,091

YEAR	ASC w/ Phase-In Less Land Tax Credit	ASC w/ 2% Annual Increase	ASC w/ 2% Annual Increase & Phase-In	County	Admin	Estimated Conventional Taxes On NEW Assessment	Staged Adj Rate	Conventional Taxes at 51% (Estimated)	Current Taxes On EXISTING Assessment	Land Tax
1	115,936	150,091	150,091	7,505	3,002	221,265		112,845	8,709	34,155
2	118,254	153,093	153,093	7,655	3,062	225,690		115,102	8,883	34,838
3	120,619	156,155	156,155	7,808	3,123	230,204		117,404	9,061	35,535
4	123,032	159,278	159,278	7,964	3,186	234,808		119,752	9,242	36,246
5	125,492	162,463	162,463	8,123	3,249	239,505		122,147	9,427	36,971
6	128,002	165,713	165,713	8,286	3,314	244,295		124,590	9,615	37,710
7	130,562	169,027	169,027	8,451	3,381	249,181		127,082	9,808	38,464
8	133,174	172,407	172,407	8,620	3,448	254,164		129,624	10,004	39,234
9	135,837	175,856	175,856	8,793	3,517	259,247		132,216	10,204	40,018
10	138,554	179,373	179,373	8,969	3,587	264,432	20%	134,861	10,408	40,819
11	141,325	182,960	182,960	9,148	3,659	269,721	20%	137,558	10,616	41,635
12	144,151	186,619	186,619	9,331	3,732	275,115	20%	140,309	10,829	42,468
13	147,034	190,352	190,352	9,518	3,807	280,618	20%	143,115	11,045	43,317
14	149,975	194,159	194,159	9,708	3,883	286,230	40%	145,977	11,266	44,184
15	152,975	198,042	198,042	9,902	3,961	291,955	40%	148,897	11,491	45,067
16	156,034	202,003	202,003	10,100	4,040	297,794	40%	151,875	11,721	45,969
17	159,155	206,043	206,043	10,302	4,121	303,750	40%	154,912	11,956	46,888
18	162,338	210,164	210,164	10,508	4,203	309,825	60%	158,011	12,195	47,826
19	165,585	214,367	214,367	10,718	4,287	316,021	60%	161,171	12,439	48,782
20	168,896	218,654	218,654	10,933	4,373	322,342	60%	164,394	12,687	49,758
21	172,274	223,027	223,027	11,151	4,461	328,788	60%	167,682	12,941	50,753
22	216,523	227,488	268,291	13,415	5,366	335,364	80%	171,036	13,200	51,768
23	220,854	232,038	273,657	13,683	5,473	342,071	80%	174,456	13,464	52,803
24	225,271	236,678	279,130	13,957	5,583	348,913	80%	177,946	13,733	53,860
25	229,776	241,412	284,713	14,236	5,694	355,891	80%	181,504	14,008	54,937
26	234,372	246,240	290,407	14,520	5,808	363,009	80%	185,135	14,288	56,035
27	239,059	251,165	296,215	14,811	5,924	370,269	80%	188,837	14,574	57,156
28	243,840	256,188	302,140	15,107	6,043	377,675	80%	192,614	14,865	58,299
29	248,717	261,312	308,182	15,409	6,164	385,228	80%	196,466	15,163	59,465
30	253,692	266,538	314,346	15,717	6,287	392,933	80%	200,396	15,466	60,655
TOTAL	5,101,310	6,088,904	6,486,926	324,346	129,739	8,976,304		4,577,915	353,309	1,385,616

ASC phase-in reflects annual 2% increase in conventional taxes AND Gross Rents
Projected figures subject to rounding discrepancies

FISCAL IMPACT COST PROJECTION (MARKET RATE RENTAL UNITS - 30 YEAR)

Block: 15003 Lot: 2, 31 Loc: 720-26 BERGEN AVE

Market Rate Rental Units		Demographic Multipliers (Transit Oriented Development)*				Annual Expenditures		Total Annual Expenditures		
Planned Development	Number of Units	Household	Students	Residents	Students	Per Capita Municipal	Per Pupil Per School District	Municipal	School District	Total
Studio	12	1.000	0.000	12.00	0.00	\$1,181.83	\$3,445.00	\$14,181.95	\$0.00	\$14,181.95
1 Bedroom	30	1.421	0.050	42.63	1.50	\$1,181.83	\$3,445.00	\$50,381.36	\$5,167.50	\$55,548.86
2 Bedroom	16	2.012	0.120	32.19	1.92	\$1,181.83	\$3,445.00	\$38,045.43	\$6,614.40	\$44,659.83
TOTAL	58			86.82	3.42			\$102,608.74	\$11,781.90	\$114,390.64

1. Total Municipal Ratables	\$5,997,768,597	4. CY 2015 Budget	\$535,307,187	6. Population of Jersey City (2010 Census)	247,597	9. Increase in Services Incurred Per Development	\$ 114,390.64
2. Residential Ratables	\$3,278,586,056			7. Per Capita Municipal Cost	\$1,181.83	10. Anticipated Gross PILOT (1st Year)	
Commercial Ratables	\$1,512,274,524					11% AGR	\$ 150,091.00
						2% Admin	\$ 3,001.82
						Less Land Tax (74.82)	\$ (34,155.00)
3. Residential Ratables as a Percentage of Total Ratables	54.66%	5. Residential Portion	\$292,617,271	8. Annual Expenditures Per Student**	\$3,445.00	11. 1st Year Net PILOT	\$ 118,937.82
						12. Implied Surplus (Cost)	\$ 4,547.18

Classic Average costing approach for projecting the impact of population change and local Municipal and School District costs

*Source: New Jersey Demographic Multipliers: Profile of the Occupants of Residential and Nonresidential Development; Listokin, November 2006

**Source: 2014-2015 Jersey City Municipal Cost Per Pupil

**720-726 BERGEN AVENUE LLC
BLOCK 15003 Lot 2.01
280 Fairmount Avenue**

Block	Lot		Existing	New Assessments	Good Faith ASC	Land Tax	Bldg. Assmt (Phased-In)	Total Tax Land & Bldg)
15003	2.01	Land	64,000	456,500				
		Bldg	52,400	2,500,800	150,091		2,500,800	
		Total	116,400	2,957,300	150,091		2,500,800	

Est. In-Lieu of Full Conventional Property Tax, An Amount Equal To A Percentage Of Taxes Otherwise Due On The Land and New Improvement According To The Following Schedule;

Stages	Annual Taxes (Bldg)
1 From the 1st day of the month following substantial completion until the last day of the 9th year, the ASC shall be at 11% ;	\$ 150,091 \$34,155 0 \$ 34,155
2 Beginning on the 1st day of the 10th year and the last day of the 13th year of substantial completion, an amount equal to the greater of the ASC at 11% or 20% of the amount of taxes otherwise due;	\$ 150,091 \$34,155 \$ 71,577 \$ 105,733
3 Beginning on the 1st day of the 14th year and the last day of the 17th year of substantial completion, an amount equal to the greater of the ASC at 11% or 40% of the mount of taxes otherwise due;	\$ 150,091 \$34,155 \$ 108,999 \$ 143,155
4 Beginning on the 1st day of the 18th year and the last day of the 21st year of substantial completion, an amount equal to the greater of the ASC at 11% or 60% of the amount of taxes otherwise due;	\$ 150,091 \$34,155 \$ 146,421 \$ 180,577
5 Beginning on the 1st day of the 22nd year and the last day of the 30th year of substantial completion, an amount equal to the greater of the ASC at 11% or 80% of the amount of taxes otherwise due;	\$ 150,091 \$34,155 \$ 183,843 \$ 217,999
Yearly Land and Improvement Tax	\$ 221,265
01/19/16	

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.033
TITLE: 3.1 FEB 10 2016 4.H

FEB 2 4 2016

An ordinance approving a 30 year tax exemption for a market rate mixed use rental project to be constructed by 720-726 Bergen Avenue Urban Renewal, LLC, an urban renewal entity, pursuant to the Long Term Tax Exemption Law N.J.S.A.40A:20-1 et seq.

RECORD OF COUNCIL VOTE ON INTRODUCTION FEB 10 2016 6-3											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA		✓	
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING FEB 2 4 2016 9-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALGER
ANA MARIA CRUZ
ROSHETA DIXON
MIA SCANGA
LAVERN WASHINGTON

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE FEB 2 4 2016 6-3											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA		✓	
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **FEB 10 2016**
Adopted on second and final reading after hearing on **FEB 2 4 2016**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **FEB 2 4 2016**

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:
Rolando R. Lavarro, Jr., Council President

Date **FEB 2 4 2016**

APPROVED:
Steven M. Fulop, Mayor

Date **FEB 2 6 2016**

Date to Mayor **FEB 25 2016**

City Clerk File No. Ord. 16.034

Agenda No. 3. I 1st Reading

Agenda No. 4. I 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.034

TITLE:

AN ORDINANCE CONSENTING TO THE SALE AND ASSIGNMENT OF THE TAX EXEMPTION AND FINANCIAL AGREEMENT FROM RT 70 HUDSON URBAN RENEWAL, LLC TO 70 HUDSON WATERFRONT URBAN RENEWAL, LLC PURSUANT TO SECTION 9.1 OF THE FINANCIAL AGREEMENT AND N.J.S.A. 40A:20-22 OF THE LONG TERM TAX EXEMPTION LAW

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, RT 70 Hudson Urban Renewal, LLC, is an urban renewal company, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. [Existing Entity]; and

WHEREAS, the Existing Entity owns certain property known as Block 14502, Lots 14,14X and 14T01 (formerly known as Block 5, Lots 1, 2, 3, 4 and A2) on the City's Official Tax map, consisting of approximately 1.16 acres, and more commonly known by the street address of 70 Hudson Street, Jersey City, New Jersey [Property], all of which is located within the boundaries of the Colgate Redevelopment Plan; and

WHEREAS, the Property has been improved by a twelve (12) story building which contains approximately 394,296 gross square feet of office space [Project]; and

WHEREAS, the Property was formerly owned and developed by 70 Hudson Street Urban Renewal Associates, LLC [Original Entity]; and

WHEREAS, on April 14, 1999, by the adoption of Ordinance 99.044, the Municipal Council of the City of Jersey City approved a twenty (20) year tax exemption for the Project and authorized the execution of a Financial Agreement with the Original Entity; and

WHEREAS, the Original Entity proposed to pay a service charge calculated as 2% of total project cost, which sum is subject to Staged Adjustments and Periodic Increases over the term of the tax exemption; and

WHEREAS, the Original Entity and the City executed a Financial Agreement on October 20, 1999 [Financial Agreement], with an estimated annual service charge of \$1,059,527 plus an administrative fee; and

WHEREAS, on November 30, 2010, the Original Entity applied to the City for its consent to the sale of the project to RT 70 Hudson Urban Renewal LLC, [Existing Entity] an urban renewal company formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq.; and

WHEREAS, the Existing Entity, RT 70 Hudson Urban Renewal LLC agreed to assume all obligations of the Original Entity, 70 Hudson Street Urban Renewal Associates, LLC under the Financial Agreement; and

AN ORDINANCE CONSENTING TO THE SALE AND ASSIGNMENT OF THE TAX EXEMPTION AND FINANCIAL AGREEMENT FROM RT 70 HUDSON URBAN RENEWAL, LLC TO 70 HUDSON WATERFRONT URBAN RENEWAL, LLC PURSUANT TO SECTION 9.1 OF THE FINANCIAL AGREEMENT AND N.J.S.A. 40A:20-22 OF THE LONG TERM TAX EXEMPTION LAW

WHEREAS, on February 9, 2011, by the adoption of Ordinance 11.013, the Municipal Council of the City of Jersey City approved the assignment of the tax exemption and Financial Agreement to the Existing Entity; and

WHEREAS, on December 7, 2015, the Current Entity applied to the City for its consent to the sale of the project to 70 Hudson Waterfront Urban Renewal, LLC, urban renewal company formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. [New Entity]; and

WHEREAS, pursuant to Section 9.1 of the Financial Agreement, upon written application by the Existing Entity, the City is required to consent to the sale or transfer of a tax exemption if: 1) the New Entity does not own any other tax exempt project; 2) the New Entity is formed and eligible to operate under the Law; 3) the Existing Entity is not in default of its financial agreement or the Law; and 4) the New Entity agrees to assume all obligations of the Existing Entity; and

WHEREAS, the New Entity does not own any other tax exempt project in the City of Jersey City;

WHEREAS, the New Entity is formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, and is therefore eligible to receive the transfer of the aforementioned tax exemption under the Law;

WHEREAS, the Existing Entity is not in default of its financial agreement or the Law, and has agreed to pay the City a transfer fee of \$45,918;

WHEREAS, the New Entity agrees to assume all obligations of the Existing Entity set forth in the existing the Financial Agreement including the payment of the service charge equal to 2% of total project cost, which is subject to Staged Adjustments and Periodic Increases over the term of the tax exemption.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

- A. The Application of RT 70 Hudson Urban Renewal, LLC, an urban renewal company formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. attached hereto, for Block 14502, Lots 14, 14X and 14T01 (formerly known as Block 5, Lots 1, 2, 3, 4 and A2), and more commonly known by the street address of 70 Hudson Street, to sell the project and transfer the tax exemption to 70 Hudson Waterfront Urban Renewal, LLC, is hereby approved.
- B. The Mayor or Business Administrator is hereby authorized to execute a consent to assignment and assumption agreement with 70 Hudson Waterfront Urban Renewal, LLC, as well as any other documents appropriate or necessary to effectuate the sale and transfer of the Project and the tax exemption Financial Agreement, and the purposes of this Ordinance, subject to the payment of a transfer fee of \$45,918 based upon 2% of the Annual Service Charge consistent with N.J.S.A. 40A:20-10(d).
- C. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- D. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- E. This Ordinance shall take effect at the time and in the manner provided by law.
- F. The City Clerk and Corporation Counsel be and they are hereby authorized and directed

**AN ORDINANCE CONSENTING TO THE SALE AND ASSIGNMENT OF THE TAX
EXEMPTION AND FINANCIAL AGREEMENT FROM RT 70 HUDSON URBAN
RENEWAL, LLC TO 70 HUDSON WATERFRONT URBAN RENEWAL, LLC
PURSUANT TO SECTION 9.1 OF THE FINANCIAL AGREEMENT AND N.J.S.A.
40A:20-22 OF THE LONG TERM TAX EXEMPTION LAW**

to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JJH 2/24/16

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED: _____

APPROVED: _____

Business Administrator

ORDINANCE FACT SHEET -- NON-CONTRACTUAL

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

AN ORDINANCE CONSENTING TO THE SALE AND ASSIGNMENT OF THE TAX EXEMPTION AND FINANCIAL AGREEMENT FROM RT 70 HUDSON URBAN RENEWAL, LLC TO 70 HUDSON WATERFRONT URBAN RENEWAL, LLC PURSUANT TO SECTION 9.1 OF THE FINANCIAL AGREEMENT AND N.J.S.A. 40A:20-22 OF THE LONG TERM TAX EXEMPTION LAW

Initiator

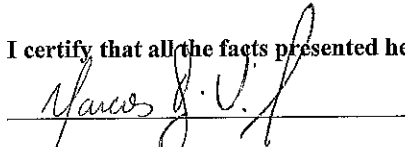
Department/Division	Office of the Mayor	Office of the Deputy Mayor
Name/Title	Marcos D. Vigil	Deputy Mayor
Phone/email	201-547-6542	mvigil@cnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

This Ordinance permits (1) the assignment of the Financial Agreement from RT 70 Hudson Urban Renewal, LLC to 70 Hudson Waterfront Urban Renewal, LLC and (2) the Assumption of Financial Agreement by 70 Hudson Waterfront Urban Renewal, LLC.

I certify that all the facts presented herein are accurate.



Deputy Mayor

January 19, 2016

Date

**CONSENT TO (1) ASSIGNMENT OF THE FINANCIAL AGREEMENT FROM
RT 70 HUDSON URBAN RENEWAL, LLC TO 70 HUDSON WATERFRONT URBAN
RENEWAL, LLC AND (2) ASSUMPTION OF THE FINANCIAL AGREEMENT BY
70 HUDSON WATERFRONT URBAN RENEWAL, LLC**

THIS AGREEMENT is dated the 24th day of February, 2016, between the **CITY OF JERSEY CITY [City]**, located at 280 Grove Street, Jersey City, New Jersey 07302, **RT 70 HUDSON URBAN RENEWAL, LLC**, a New Jersey limited liability company having an office c/o Gramercy Property Trust, 521 Fifth Avenue, New York, New York 10175 [Existing Entity]; and **70 HUDSON WATERFRONT URBAN URBAN RENEWAL, LLC**, a Delaware limited liability company, having an office c/o Spear Street Capital, LLC, One Market Plaza, Spear Tower, Suite 4125, San Francisco, California 94105 [New Entity].

WHEREAS, pursuant to N.J.S.A. 55:16-1 et seq., and Ordinance 99.044 adopted on April 14, 1999, the City approved a Long Term Tax Exemption and the execution of a Financial Agreement with **70 HUDSON STREET URBAN RENEWAL ASSOCIATES, LLC** [Original Entity] for the construction of a twelve (12) storey office building located at Block 14502, Lots 14, 14X and 14T01, (formerly known as Block 5, Lot 30 and previously known as Block 5, Lots 1, 2, 3,4 and A2), on the official Tax Map of the City of Jersey City, and more commonly known by the street addresses of 70 Hudson Street [Project]; and

WHEREAS, the City and the Original Entity, entered into a Financial Agreement dated October 20, 1999; and

WHEREAS, pursuant to an Agreement of Sale the Original Entity, as seller agreed to sell the Project and assign the Financial Agreement to RT 70 Hudson Urban Renewal LLC, [Existing Entity] an urban renewal company formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq.; and

WHEREAS, on November 30, 2010, the Original Entity applied to the City for its consent to the sale of the project to the Existing Entity; and

WHEREAS, the Existing Entity, RT 70 Hudson Urban Renewal LLC agreed to assume all obligations of the Original Entity, 70 Hudson Street Urban Renewal Associates, LLC under the Financial Agreement; and

WHEREAS, on February 9, 2011, by the adoption of Ordinance 11.013, the Municipal Council of the City of Jersey City approved the assignment of the tax exemption and Financial Agreement to the Existing Entity; and

WHEREAS, on December 7, 2015, the Current Entity applied to the City for its consent to the sale of the project to 70 Hudson Waterfront Urban Renewal, LLC, [New Entity]; and

WHEREAS, pursuant to an Agreement of Sale the Existing Entity, as seller agreed to sell the Project and assign the Financial Agreement to 70 Hudson Waterfront Urban Renewal, LLC [the New Entity]; and

WHEREAS, the Financial Agreement provides that any sale of the Project or Assignment of the Financial Agreement is null and void unless approved by the City in advance; and

WHEREAS, by application dated December 7, 2015, the Existing Entity formally requested that the City give its consent and approval to sell the Project and assign the Financial Agreement to the New Entity; and

WHEREAS, by adoption of Ordinance 16.____, the Municipal Council of the City of Jersey City consented to 1) the sale of the Project from the Existing Entity to the New Entity; 2) the assignment of the Financial Agreement by the Existing Entity; 3) the assumption of the Financial Agreement by the New Entity; and 4) authorized the City Business Administrator to execute any documents necessary and appropriate to effectuate the foregoing; and

WHEREAS, the parties hereto now seek to memorialize the consent of the City to the sale of the project and the assignment of the Financial Agreement by the Existing Entity and the assumption of the Financial Agreement by the New Entity;

NOW, THEREFORE, it is hereby agreed by and between the parties as follows:

1. The City hereby authorizes, approves and consents to the Assignment by the Original Entity of the Financial Agreement to the New Entity and the assumption of the Financial Agreement by the New Entity.

2. The New Entity agrees to assume all obligations of the Existing Entity as set forth in the existing Financial Agreement for the remainder of the term, including payment of the service charge equal to 2% of the total project cost, which is subject to Staged Adjustments and Periodic Increases over the term of the tax exemption. The new minimum annual service charge based on 2015's payment is \$2,295,907.

3. The City acknowledges that as of the date hereof, the names and the addresses of the New Entity entitled to receive notice under the Financial Agreement shall be amended as follows: 70 Hudson Waterfront Urban Renewal, LLC, c/o Spear Street Capital, LLC, One Market Plaza, Spear Tower, Suite 4125, San Francisco, California 94105.

4. Pursuant to Section 11 of the Financial Agreement, upon written application by the Original Entity, the City is required to consent to the sale or transfer of the tax exemption financial Agreement if: 1) the New Entity does not own any other tax exempt projects; 2) the New Entity is formed and eligible to operate under the Law; 3) the existing Entity is not in default of the Financial Agreement; and 4) the New Entity agrees to assume all obligations of the existing Entity under the Financial Agreement.

5. In addition, the New Entity has agreed to pay the City a transfer fee in an amount equal to 2% of the Annual Service Charge, which the Entities hereby confirm is \$45,918.

6. The Financial Agreement dated May 13, 1998, hereby remains in full force and effect, subject to the terms of this Consent to Assignment Agreement.

7. The Existing Entity hereby consents to the assignment of the Financial Agreement to the New Entity.

8. The New Entity hereby agrees to assume all obligations previously belonging to the Original Entity under the Financial Agreement.

9. Both RT 70 Hudson Urban Renewal, LLC and 70 Hudson Waterfront Urban Renewal, LLC, have agreed to execute a release and waiver of any and all claims against the City arising from the Financial Agreement on or before the Consent to Assignment is executed. If the parties fail to execute the release, the ordinance will be void and the assignment will be terminated. The signature of the Mayor or Business Administrator on the Consent to Assignment shall constitute conclusive proof of the satisfaction of this requirement.

Any and all capitalized terms in this Agreement shall be defined in accordance with and by reference to the Financial Agreement and/or N.J.S.A. 40A:20-1 et seq.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the date first set forth above.

ATTESTED:

CITY OF JERSEY CITY

**ROBERT BYRNE
CITY CLERK**

**ROBERT J. KAKOLESKI
BUSINESS ADMINISTRATOR**

WITNESS:

**RT 70 HUDSON URBAN RENEWAL, LLC
[Existing Entity]**

WITNESS:

**By: ALLAN B. ROTHSCHILD
MANAGING DIRECTOR**

**70 HUDSON WATERFRONT URBAN
URBAN RENEWAL, LLC [New Entity]**

**By: RAJIV PATEL
PRESIDENT**

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.034
TITLE: 3.J FEB 10 2016 4.I

FEB 24 2016

An ordinance consenting to the sale and assignment of the tax exemption and financial agreement from RT 70 Hudson Urban Renewal, LLC to 70 Hudson Waterfront Urban Renewal, LLC pursuant to Section 9.1 of the financial agreement and N.J.S.A.40A:20-22 of the Long Term Tax Exemption Law.

RECORD OF COUNCIL VOTE ON INTRODUCTION FEB 10 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING FEB 24 2016 8-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>RAMCHAL</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA		ABSENT	
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALZER

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE FEB 24 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **FEB 10 2016**
Adopted on second and final reading after hearing on **FEB 24 2016**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **FEB 24 2016**

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date **FEB 24 2016**

APPROVED:

Steven M. Fulop, Mayor

Date **FEB 26 2016**

Date to Mayor **FEB 25 2016**

City Clerk File No. Ord. 16.035

Agenda No. 3. J 1st Reading

Agenda No. 4. J 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.035

TITLE:

AN ORDINANCE CONSENTING TO THE SALE AND ASSIGNMENT OF THE TAX EXEMPTION AND FINANCIAL AGREEMENT FROM RT 90 HUDSON URBAN RENEWAL, LLC TO 90 HUDSON WATERFRONT URBAN RENEWAL, LLC PURSUANT TO SECTION 9.1 OF THE FINANCIAL AGREEMENT AND N.J.S.A. 40A:20-22 OF THE LONG TERM TAX EXEMPTION LAW

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, RT 90 Hudson Urban Renewal, LLC, is an urban renewal company, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. [Existing Entity]; and

WHEREAS, the Existing Entity owns certain property known as Block 14502, Lots 16, 16X and 16T01 (formerly known as Block 6, Lot 1A) on the City's Official Tax map, consisting of approximately 1.15 acres, and more commonly known by the street address of 90 Hudson Street, Jersey City, New Jersey [Property], all of which is located within the boundaries of the Colgate Redevelopment Plan; and

WHEREAS, the Property has been improved by a twelve (12) story building which contains approximately 404,000 gross square feet of office space [Project]; and

WHEREAS, the Property was formerly owned and developed by 90 Hudson Street Urban Renewal Associates, LLC [Original Entity]; and

WHEREAS, on May 13, 1998, by the adoption of Ordinance 98.042, the Municipal Council of the City of Jersey City approved a twenty (20) year tax exemption for the Project and authorized the execution of a Financial Agreement with the Original Entity; and

WHEREAS, the Original Entity proposed to pay a service charge calculated as 2% of total project cost, which sum is subject to Staged Adjustments and Periodic Increases over the term of the tax exemption; and

WHEREAS, the Original Entity and the City executed a Financial Agreement as of May 13, 1998 [Financial Agreement], with an estimated annual service charge of \$1,088,336 plus an administrative fee; and

WHEREAS, on November 30, 2010, the Original Entity applied to the City for its consent to the sale of the project to RT 90 Hudson Urban Renewal LLC, [Existing Entity] an urban renewal company formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq.; and

WHEREAS, the Existing Entity, RT 90 Hudson Urban Renewal LLC agreed to assume all obligations of the Original Entity, 90 Hudson Street Urban Renewal Associates, LLC under the Financial Agreement; and

AN ORDINANCE CONSENTING TO THE SALE AND ASSIGNMENT OF THE TAX EXEMPTION AND FINANCIAL AGREEMENT FROM RT 90 HUDSON URBAN RENEWAL, LLC TO 90 HUDSON WATERFRONT URBAN RENEWAL, LLC PURSUANT TO SECTION 9.1 OF THE FINANCIAL AGREEMENT AND N.J.S.A. 40A:20-22 OF THE LONG TERM TAX EXEMPTION LAW

WHEREAS, on February 9, 2011, by the adoption of Ordinance 11.014, the Municipal Council of the City of Jersey City approved the assignment of the tax exemption and Financial Agreement to the Existing Entity; and

WHEREAS, on December 7, 2015, the Current Entity applied to the City for its consent to the sale of the project to 90 Hudson Waterfront Urban Renewal, LLC, urban renewal company formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. [New Entity]; and

WHEREAS, pursuant to Section 9.1 of the Financial Agreement, upon written application by the Existing Entity, the City is required to consent to the sale or transfer of a tax exemption if: 1) the New Entity does not own any other tax exempt project; 2) the New Entity is formed and eligible to operate under the Law; 3) the Existing Entity is not in default of its financial agreement or the Law; and 4) the New Entity agrees to assume all obligations of the Existing Entity; and

WHEREAS, the New Entity does not own any other tax exempt project in the City of Jersey City;

WHEREAS, the New Entity is formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, and is therefore eligible to receive the transfer of the aforementioned tax exemption under the Law;

WHEREAS, the Existing Entity is not in default of its financial agreement or the Law, and has agreed to pay the City a transfer fee of \$63,483;

WHEREAS, the New Entity agrees to assume all obligations of the Existing Entity as set forth in the existing the Financial Agreement including the payment of the service charge equal to 2% of total project cost, which is subject to Staged Adjustments and Periodic Increases over the term of the tax exemption.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

- A. The Application of RT 90 Hudson Urban Renewal, LLC, an urban renewal company formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. attached hereto, for Block 14502, Lots 16, 16X and 16T01 (formerly known as Block 6, Lot 1A), and more commonly known by the street address of 90 Hudson Street, to sell the project and transfer the tax exemption to 90 Hudson Waterfront Urban Renewal, LLC, is hereby approved.
- B. The Mayor or Business Administrator is hereby authorized to execute a consent to assignment and assumption agreement with 90 Hudson Waterfront Urban Renewal, LLC, as well as any other documents appropriate or necessary to effectuate the sale and transfer of the Project and the tax exemption Financial Agreement, and the purposes of this Ordinance, subject to the payment of a transfer fee of \$63,483 based upon 2% of the Annual Service Charge consistent with N.J.S.A. 40A:20-10(d).
- C. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- D. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- E. This Ordinance shall take effect at the time and in the manner provided by law.
- F. The City Clerk and Corporation Counsel be and they are hereby authorized and directed

**AN ORDINANCE CONSENTING TO THE SALE AND ASSIGNMENT OF THE TAX
EXEMPTION AND FINANCIAL AGREEMENT FROM RT 90 HUDSON URBAN
RENEWAL, LLC TO 90 HUDSON WATERFRONT URBAN RENEWAL, LLC
PURSUANT TO SECTION 9.1 OF THE FINANCIAL AGREEMENT AND N.J.S.A.
40A:20-22 OF THE LONG TERM TAX EXEMPTION LAW**

to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JJH 2/24/16

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐
Not Required ☐

APPROVED: _____

APPROVED: _____

Business Administrator

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

AN ORDINANCE CONSENTING TO THE SALE AND ASSIGNMENT OF THE TAX EXEMPTION AND FINANCIAL AGREEMENT FROM RT 90 HUDSON URBAN RENEWAL, LLC TO 90 HUDSON WATERFRONT URBAN RENEWAL, LLC PURSUANT TO SECTION 9.1 OF THE FINANCIAL AGREEMENT AND N.J.S.A. 40A:20-22 OF THE LONG TERM TAX EXEMPTION LAW

Initiator

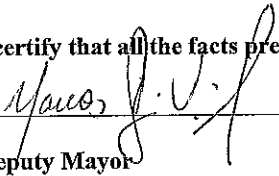
Department/Division	Office of the Mayor	Office of the Deputy Mayor
Name/Title	Marcos D. Vigil	Deputy Mayor
Phone/email	201-547-6542	mvigil@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

This Ordinance permits (1) the assignment of the Financial Agreement from RT 90 Hudson Urban Renewal, LLC to 90 Hudson Waterfront Urban Renewal, LLC and (2) the Assumption of Financial Agreement by 90 Hudson Waterfront Urban Renewal, LLC.

I certify that all the facts presented herein are accurate.



Deputy Mayor

January 19, 2016

Date

**CONSENT TO (1) ASSIGNMENT OF THE FINANCIAL AGREEMENT FROM
RT 90 HUDSON URBAN RENEWAL, LLC TO 90 HUDSON WATERFRONT URBAN
RENEWAL, LLC AND (2) ASSUMPTION OF THE FINANCIAL AGREEMENT BY
90 HUDSON WATERFRONT URBAN RENEWAL, LLC**

THIS AGREEMENT is dated the 24th day of February, 2016, between the **CITY OF JERSEY CITY [City]**, located at 280 Grove Street, Jersey City, New Jersey 07302, **RT 90 HUDSON URBAN RENEWAL, LLC**, a New Jersey limited liability company having an office c/o Gramercy Property Trust, 521 Fifth Avenue, New York, New York 10175 [Existing Entity]; and **90 HUDSON WATERFRONT URBAN URBAN RENEWAL, LLC**, a Delaware limited liability company, having an office c/o Spear Street Capital, LLC, One Market Plaza, Spear Tower, Suite 4125, San Francisco, California 94105[New Entity].

WHEREAS, pursuant to N.J.S.A. 55:16-1 et seq., and Ordinance 98.042 adopted on May 13, 1998, the City approved a Long Term Tax Exemption and the execution of a Financial Agreement with **90 HUDSON STREET URBAN RENEWAL ASSOCIATES, LLC** [Original Entity] for the construction of a twelve (12) storey office building located at Block 14502, Lots 16, 16X, and 16T01, (formerly known as Block 6, Lot 15, previously known as Block 6, Lot 1A), on the official Tax Map of the City of Jersey City, and more commonly known by the street addresses of 90 Hudson Street [Project]; and

WHEREAS, the City and the Original Entity, entered into a Financial Agreement dated May 13, 1998; and

WHEREAS, pursuant to an Agreement of Sale the Original Entity, as seller agreed to sell the Project and assign the Financial Agreement to RT 70 Hudson Urban Renewal LLC, [Existing Entity] an urban renewal company formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq.; and

WHEREAS, on November 30, 2010, the Original Entity applied to the City for its consent to the sale of the project to the Existing Entity; and

WHEREAS, the Existing Entity, RT 90 Hudson Urban Renewal LLC agreed to assume all obligations of the Original Entity, 90 Hudson Street Urban Renewal Associates, LLC under the Financial Agreement; and

WHEREAS, on February 9, 2011, by the adoption of Ordinance 11.014, the Municipal Council of the City of Jersey City approved the assignment of the tax exemption and Financial Agreement to the Existing Entity; and

WHEREAS, on December 7, 2015, the Current Entity applied to the City for its consent to the sale of the project to 90 Hudson Waterfront Urban Renewal, LLC, [New Entity]; and

WHEREAS, pursuant to an Agreement of Sale the Existing Entity, as seller agreed to sell the Project and assign the Financial Agreement to 90 Hudson Waterfront Urban Renewal, LLC [the New Entity]; and

WHEREAS, the Financial Agreement provides that any sale of the Project or Assignment of the Financial Agreement is null and void unless approved by the City in advance; and

WHEREAS, by application dated December 7, 2015, the Existing Entity formally requested that the City give its consent and approval to sell the Project and assign the Financial Agreement to the New Entity; and

WHEREAS, by adoption of Ordinance 16.____, the Municipal Council of the City of Jersey City consented to 1) the sale of the Project from the Existing Entity to the New Entity; 2) the assignment of the Financial Agreement by the Existing Entity; 3) the assumption of the Financial Agreement by the New Entity; and 4) authorized the City Business Administrator to execute any documents necessary and appropriate to effectuate the foregoing; and

WHEREAS, the parties hereto now seek to memorialize the consent of the City to the sale of the project and the assignment of the Financial Agreement by the Existing Entity and the assumption of the Financial Agreement by the New Entity;

NOW, THEREFORE, it is hereby agreed by and between the parties as follows:

1. The City hereby authorizes, approves and consents to the Assignment by the Original Entity of the Financial Agreement to the New Entity and the assumption of the Financial Agreement by the New Entity.

2. The New Entity agrees to assume all obligations of the Existing Entity as set forth in the existing Financial Agreement for the remainder of the term, including payment of the service charge equal to 2% of the total project cost, which is subject to Staged Adjustments and Periodic Increases over the term of the tax exemption. The new minimum annual service charge based on 2015's payment is \$3,174,164.

3. The City acknowledges that as of the date hereof, the names and the addresses of the New Entity entitled to receive notice under the Financial Agreement shall be amended as follows: 90 Hudson Waterfront Urban Renewal, LLC, c/o Spear Street Capital, LLC, One Market Plaza, Spear Tower, Suite 4125, San Francisco, California 94105.

4. Pursuant to Section 11 of the Financial Agreement, upon written application by the Original Entity, the City is required to consent to the sale or transfer of the tax exemption financial Agreement if: 1) the New Entity does not own any other tax exempt projects; 2) the New Entity is formed and eligible to operate under the Law; 3) the existing Entity is not in default of the Financial Agreement; and 4) the New Entity agrees to assume all obligations of the existing Entity under the Financial Agreement.

5. In addition, the New Entity has agreed to pay the City a transfer fee in an amount equal to 2% of the Annual Service Charge, which the Entities hereby confirm is \$63,483.

6. The Financial Agreement dated May 13, 1998, hereby remains in full force and effect, subject to the terms of this Consent to Assignment Agreement.

7. The Existing Entity hereby consents to the assignment of the Financial Agreement to the New Entity.

8. The New Entity hereby agrees to assume all obligations previously belonging to the Original Entity under the Financial Agreement.

9. Both RT 90 Hudson Urban Renewal, LLC and 90 Hudson Waterfront Urban Renewal, LLC, have agreed to execute a release and waiver of any and all claims against the City arising from the Financial Agreement on or before the Consent to Assignment is executed. If the parties fail to execute the release, the ordinance will be void and the assignment will be terminated. The signature of the Mayor or Business Administrator on the Consent to Assignment shall constitute conclusive proof of the satisfaction of this requirement. Any and all capitalized terms in this Agreement shall be defined in accordance with and by reference to the Financial Agreement and/or N.J.S.A. 40A:20-1 et seq.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the date first set forth above.

ATTESTED:

CITY OF JERSEY CITY

**ROBERT BYRNE
CITY CLERK**

**ROBERT J. KAKOLESKI
BUSINESS ADMINISTRATOR**

WITNESS:

**RT 90 HUDSON URBAN RENEWAL, LLC
[Existing Entity]**

**By: ALLAN B. ROTHSCHILD
MANAGING DIRECTOR**

WITNESS:

**90 HUDSON WATERFRONT URBAN
URBAN RENEWAL, LLC [New Entity]**

**By: RAJIV PATEL
PRESIDENT**

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.035
TITLE: 3.K FEB 10 2016 4.J

FEB 24 2016

An ordinance consenting to the sale and assignment of the tax exemption and financial agreement from RT 90 Hudson Urban Renewal, LLC to 90 Hudson Waterfront Urban Renewal, LLC pursuant to Section 9.1 of the financial agreement and N.J.S.A.40A:20-22 of the Long Term Tax Exemption Law.

RECORD OF COUNCIL VOTE ON INTRODUCTION FEB 10 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING FEB 24 2016 8-0											
Councilperson <u>COLEMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	ABSENT		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE FEB 24 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **FEB 10 2016**
Adopted on second and final reading after hearing on **FEB 24 2016**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **FEB 24 2016**

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:
Rolando R. Lavarro, Jr., Council President
Date **FEB 24 2016**

APPROVED:
Steven M. Fulop, Mayor
Date **FEB 26 2016**
Date to Mayor **FEB 25 2016**

City Clerk File No. Ord. 16.036

Agenda No. 3.1 1st Reading

Agenda No. 4K 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.036

TITLE: AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO ENTER INTO A LEASE WITH JACKSON HILL MAIN STREET MANAGEMENT CORPORATION FOR THE USE OF BLOCK 1931, LOTS 22 AND 25, MORE COMMONLY KNOWN AS 91-93 HARRISON AVENUE, FOR A COMMUNITY GARDEN

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City ("the City") is a Municipal Corporation of the State of New Jersey, with offices located at City Hall, 280 Grove Street in Jersey City; and

WHEREAS, the City is authorized to enter into lease agreements for nominal consideration with non-profit corporations or associations for the use of vacant lots and open spaces for gardening or recreation purposes pursuant to N.J.S.A. 40 A:12-14(c) and N.J.S.A. 40 A:12-15(j); and

WHEREAS, the City adopted Ordinance 96-123, subsequently amended by Ordinances 01-109 and 11-019, which authorized the establishment of an "Adopt A Lot" Program; and

WHEREAS, the City owns Block 1931, Lots 22 and 25 on the official tax map of the City and which is more commonly known as 91-93 Harrison Avenue; and

WHEREAS, Block 1931, Lots 22 and 25 are lots suitable for gardening, and such use will transform these vacant lots, which are currently filled with weeds and debris, and improve and enhance the area and; and

WHEREAS, the Jackson Hill Main Street Management Corporation is a non-profit corporation with offices located at 99 Monticello Avenue in Jersey City and which seeks to lease Block 1931, Lots 22 and 25 pursuant to the City's "Adopt A Lot Program" in order to create a community garden thereon; and

WHEREAS, the Jackson Hill Main Street Management Corporation ("the Lessee") understands that the properties leased to non-profit corporations or associations participating in the City's "Adopt a Lot" program are to be used for gardening and for no other purpose whatsoever; and in particular, may not be used for any commercial, business trade, manufacture, wholesale, retail or any other profit-making enterprises; and

WHEREAS, the Lessee also understands that it must submit an annual report to the officer, employee or agency designated by the governing body, setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and federal law; and

WHEREAS, the lease term will be for one (1) year beginning as of February 25, 2016 and ending February 24, 2017 subject to the City's right to terminate the lease at its convenience without cause by providing ninety (90) days prior notice; and

AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO ENTER INTO A LEASE WITH JACKSON HILL MAIN STREET MANAGEMENT CORPORATION FOR THE USE OF BLOCK 1931, LOTS 22 AND 25, MORE COMMONLY KNOWN AS 91-93 HARRISON AVENUE, FOR A COMMUNITY GARDEN

WHEREAS, the consideration for the lease shall be one dollar (\$1.00) a year and other good and valuable considerations; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. The Business Administrator is hereby authorized to execute a lease of Block 1931, Lots 22 and 25 on the official tax map of the City and more commonly known as 91-93 Harrison Avenue, with the Jackson Hill Main Street Management Corporation for the purpose of creating a community garden thereon through the City's "Adopt A Lot Program".
 2. The term of the Lease Agreement shall be one (1) year commencing as of February 25, 2016 and ending February 24, 2017 for consideration of one dollar (\$1.00) a year.
 3. The form of the Lease is attached hereto and shall be subject to any such modification as may be deemed necessary or appropriate by the Corporation Counsel or Business Administrator.
- A. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- B. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This Ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

Note: All new material is underlined; words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

JJH 1/27/16

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED: _____

APPROVED: _____

Business Administrator

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO ENTER INTO A LEASE WITH JACKSON HILL MAIN STREET MANAGEMENT CORPORATION FOR THE USE OF BLOCK 1931, LOTS 22 AND 25, MORE COMMONLY KNOWN AS 91-93 HARRISON AVENUE, FOR A COMMUNITY GARDEN

Initiator

Department/Division	Health & Human Services	Director's Office
Name/Title	Stacey L. Flanagan	Director
Phone/email	Tel.: (201) 547-6800	sflanagan@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

This ordinance authorizes the City of Jersey City to enter into a lease with Jackson Hill Main Street Management Corporations. The Jackson Hill Main Street Management Corporation ("the Lessee") understands that the properties leased to non-profit corporations or associations participating in the City's "Adopt-a Lot" program are to be used for gardening and for no other purpose whatsoever; and in particular may not be used for any commercial, business trade, manufacture, wholesale, retail or any other profit-making enterprises.

I certify that all the facts presented herein are accurate.


Signature of Department Director

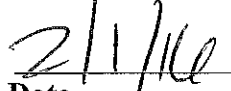

Date

EXHIBIT A



ADOPT-A-LOT LEASE

This Lease is issued by the City of Jersey City "City" to Jackson Hill Main Street Management Corporation ("Lessee") with offices located at 99 Monticello Avenue for the operation of an Adopt-A-Lot Garden located at 91-93 Harrison Avenue (address) on Block 1931 and Lot(s) 22 & 25 ("the Garden"). This Lease shall be administered jointly by the Department of Health and Human Services ("HHS") and the Department of Public Works ("DPW") through the Adopt-A-Lot Program Officer ("Officer"), with an office located at 199 Summit Avenue, Jersey City, New Jersey 07306.

1. Term

This Lease is issued to Lessee for a term (the "Term") of one (1) year beginning February 25, 2016 and ending February 25, 2016 unless terminated earlier. The Lease may be renewed by the Municipal Council upon the recommendation of the Adopt-A-Lot Program Officer provided that the Lessee meets the obligations set forth in this Lease.

2. Notices and Contact Person

All correspondence, including notices of non-compliance, shall be sent to the person designated as the "Contact Person" by the Lessee.

Lessee: _____

Contact Person for Lessee: _____

Address: _____

Telephone numbers:

Day: _____

Evening: _____

Weekend: _____

Email address: _____

Lessee shall promptly notify the Adopt-A-Lot Program Officer of any change in the contact information provided above. Notice to the listed Contact Person shall be deemed notice to the Lessee.

3. Obligations of Lessee/Use of Premises

- A. This Lease is specifically entered into for the purpose of Lessee's designing and cultivating a plant garden and thereafter maintaining that garden and all plants and structures contained therein (including, but not limited to, the City-supplied shed, all the tools contained therein, any fence, raised plant beds, planters, tables, benches, and other ornamental items) in a safe and orderly condition.
- i. Before entering in to a Lease, the prospective Lessee shall notify the Adopt-A-Lot Program Officer to arrange for an inspection the premises for the purpose of locating, and, if feasible, removing any dangerous debris, undergrowth, garbage, or other dangerous materials. If the Adopt-A-Lot Program Officer determines that a dangerous condition exists on the premises that cannot be remedied at a cost deemed reasonable by the Adopt-A-Lot Program Officer, then the City shall refuse to consummate the Lease.
 - ii. If a Lease is executed, the Lessee agrees to take possession of the following City-owned equipment for the exclusive use of the Lessee during the duration of the Lease. This equipment shall remain on the leased property at all times and shall be returned to the City in reasonably good condition at the expiration of the Lease.

One (1) Garden Shed which will contain the following:

One (1) Wheelbarrow
Five (5) Poly leaf rakes
Five (5) Garden spades (20 inch)
Five (5) Garden shears (5.5 inch)
Five (5) Hand-held gardening forks
Five (5) Pitchforks
Five (5) Hand-held trowels (steel)
Five (5) Hand-held garden cultivators
Five (5) Loppers (28 inch)
Five (5) Pairs of gardening gloves

- B. Within two months of the issuance of this Lease, or sooner if applicable, Lessee agrees to do the following:
- a. At least two representatives, one being the Contact Person, shall attend an educational workshop, and shall submit proof of such attendance to Adopt-A-Lot Program Officer.

- b. Lessee shall post a sign provided by DPW at the Garden explaining that the Garden is a part of the Adopt-A-Lot Program.
 - c. Lessee shall register the Garden with the City's Adopt-A-Lot Jersey City online Green Map.
- C. Within six months of the issuance of this Lease, or sooner if applicable, Lessee agrees to the following:
 - a. Lessee shall design and install a plant garden.
 - b. Lessee shall nurture and develop the plants in the Garden, including watering, fertilizing, pruning, weeding, and harvesting as required. Any spray or liquid fertilizers or herbicides must be approved by DPW, and notice given to DPW prior to application. DPW reserves the right to determine and prohibit an environmentally harmful fertilizer or herbicide.
 - c. Gardens are required to post signage listing open hours, a schedule of planned activities, and information on how to join the garden, along with the name and telephone number of the Lessee's contact person and/or the Officer.
 - d. Lessee shall open the Garden to the public, as required by Section 8.
 - e. Lessee shall make gardening plots available to the public on a first come first serve basis, through the use of a waiting list to be posted at the Garden.
- D. Upon execution of the Lease, the Lessee agrees to the following:
 - a. Lessee shall maintain the Garden in a safe condition and take care of all plants and structures contained therein, including all fences, raised beds, tables, benches, and ornamental items.
 - b. Lessee shall keep sidewalks, passageways, and curbs adjacent to and within the Garden clean and free from snow, ice, garbage, debris, and other obstructions.
 - c. Lessee shall comply with all applicable laws, rules, and regulations of the United States, the State of New Jersey, and the City of Jersey City, and with other such rules, regulations, orders, terms and conditions as may be set or required by the Adopt-a-Lot program to the extent that they relate to the gardening activities under this Lease or are otherwise applicable to the Lease.
 - d. Lessee shall arrange for the provision of, and pay for any utilities, with the exception of water, necessary for the performance of the activities described herein; provided however that Lessee shall neither cause nor permit the installation of any such utilities without the prior written approval of the Adopt-A-Lot Program Officer.

- e. Provide two reports each year to the Adopt-A-Lot Program Officer, one in June and one in December, containing the current status of the Garden including, but not limited to, a current color photo, a list of current Garden members, and any current concerns or problems that the Lessee believes the Adopt-A-Lot Program Officer should be made aware of or a problem fulfilling any of the requirements specified in this lease.
- f. Lessee shall continually update City's Adopt-A-Lot Jersey City online Green Map with all events, fundraisers, and public hours.
- g. Lessee shall participate in an annual "Green Your Block" program. Lessee shall notify the Adopt-A-Lot Program Officer with the date and time of the event, as well as post notice of the event at the Garden and on the City's Adopt-A-Lot Jersey City online Green Map.
- h. Lessee shall notify the to the Adopt-A-Lot Program Officer of any administrative or operational matters constituting any loss, injury, damage or violation within the garden within three days of such occurrence by contacting the to the Adopt-A-Lot Program Officer.

4. Restrictions on Lessee

Lessee agrees to the following restriction on the use of the Garden:

- A. No permanent improvements on the Garden. This prohibition includes but is not limited to paving the Garden concrete, asphalt or other materials.
- B. The Lessee shall make no alterations, additions, or improvements to the Garden without the prior written consent of the to the Adopt-A-Lot Program Officer.
- C. No permanent structures or murals or other permanent works of art may be built in the Garden without permission from the Adopt-A-Lot Program Officer, and, where applicable, the DPW, Jersey City Building Department and the Jersey City Division of Cultural Affairs.
- D. No automobiles, trucks, or other motorized vehicles may be stored or parked at any time in the Garden.
- E. There shall be a minimum of five (5) Garden members at all times.
- F. No persons shall be allowed to reside in the Garden.
- G. No animals (including dogs or cats) shall reside in the Garden.

- H. No drugs or alcohol may be used, consumed, stored, sold, or distributed in the Garden.
- I. Garden shall not be used for any commercial purpose (including, but not limited to, the sale or advertisement of any goods or services): provided, however, that the City may allow, with prior notice to the Officer, Fundraising events at the Garden solely for the purposes of supporting the operation of the Garden. All agricultural produce cultivated at the Garden may be sold offsite at a designated Jersey City Farmer's Market.
- J. Lessee shall not create no suffer to be created any nuisance or danger to public safety in or around the Garden. Lessee shall not cause nor permit the accumulation of garbage or debris in the Garden. Lessee shall not commit or cause any waste of or to the Garden.
- K. Lessee shall not sub-let the demised premises for gardening or recreational purposes pursuant to N.J.S.A. 40A12-15(I). Lessee shall not use or permit the premises to be used for any other purpose without the prior written consent of the City endorsed hereon.
- L. Lessee may not discriminate in any way against any person on grounds of race, creed, religion, color, sex, age, national origin, disability, marital status, or sexual orientation.
- M. Lessee may not cause or permit gambling or any activities related to gambling in the Garden, or the use of the Garden for any illegal purpose.
- N. If Lessee ceases to use the property for gardening or recreational purposes, the City shall have the right to terminate the lease upon giving ten (10) days written notice to Lessee prior to the effective date of termination.
- O. Lessee shall not use or permit the storage of any illuminating oils, oil lamps, turpentine, benzene, naphtha, or similar substances or explosives of any kind or any substances or items prohibited in the standard policies of insurance companies in the State of New Jersey.
- P. Lessee shall not abandon the Garden.

5. Failure to Comply with Restriction and Termination

If Lessee violates any covenant or conditions of this Lease or of the rules established by the City, and upon failure to discontinue such violation within ten (10) days after notice to the Lessee, this Lease shall, at the option of the City, become void. Notwithstanding the above, the City may terminate this Lease without advance notice for any of the following reasons:

1. Use of the Garden for any illegal purpose, including, but not limited to use of drugs, alcohol, gambling, or other illegal activity, or conspiracy to commit same;

2. Creation of danger to the neighborhood, whether through inadequate sanitation, including accumulation of garbage, existence of a fire hazard, or any other condition which may cause harm to the Garden or other persons or property in its vicinity;

3. the City ceases to be the fee owner of the Garden.

The City shall have the right to terminate the Lease at its convenience without cause by giving written notice sixty (60) days prior to the effective date of termination. The City shall have no liability of any nature whatsoever by reason of such termination.

6. Access

A. Gardens are required to keep their gates open for a minimum of twenty (20) hours per week from the first day of May through and including the thirtieth day of November. This can be achieved through posted open hours, community events, workdays, workshops, and all activities that keep gardens open and accessible to the public. Gardens are required to post signage listing open hours, a schedule of planned activities, information on how to join the Garden, along with the name and telephone number of the Lessee's contact person and the Adopt-A-Lot Program Officer. The Adopt-A-Lot Program Officer may conduct spot checks to see that the required public access is maintained, and if the Garden is not open at the designated time, the City may terminate this Lease.

B. The City and its representatives, i.e. the DPW, the Police and Fire Departments, and other City agency representatives shall have access to the leased premises at all times for any purpose.

7. Return of City Property and Surrender of the Garden

Lessee shall surrender the premises at the end of the term in as good condition as reasonable use will permit. In the event that the lease is terminated or expires, the Lessee shall remove all temporary improvements installed on the property by the Lessee at its own cost or expense. Lessee shall also return all tools referenced in Section 3(A)(ii) of this Lease and other unused items provided by the City, to DPW within thirty days of receipt of a notice of termination.

If the Lessee shall remain in the premises after the expiration of the term of this Lease without having executed a new written Lease with the City, such holding over shall not constitute a renewal or extension of this Lease. The City may treat the Lessee as one who has not removed at the end of his/her term, and thereupon be entitled to all remedies against the Lessee provided by law in that situation, or the City may elect, at its option, to construe such holding over as a tenancy from month to month, subject to all the terms and conditions of this lease, except as to duration thereof.

8. Indemnification

The Lessee shall indemnify and hold the City and its officers, agents and employees harmless from any and all claims or personal injury, and property damage arising out of the Lessee's occupancy and use of the leased premises.

9. Risk Upon Lessee

The expenditures for gardening activities to be undertaken at Garden are to be made solely and exclusively at the risk and sole cost and expense of Lessee, and no part thereof is, or shall be, reimbursable by the City for any reason whatsoever. The gardening activities to be performed pursuant to this Lease were not and are not directed by the City, and the City assumes no obligation or responsibility nor shall have any liability, for any expenditure made hereunder.

10. Modification

This Lease shall not be modified or extended except in writing and when signed by both the City and Lessee. This instrument shall not be changed orally.

11. Conflict of Interest

Lessee warrants that no officer, agent, employee, or representative of the City of Jersey City has received any payment or other consideration for the making of this Lease and that no officer, agent, employee, or representative of the City has any personal financial interest, directly or indirectly, in this Lease.

12. Assignment

Lessee shall not sell, assign, mortgage or otherwise transfer, or sublicense any interest or right provided for herein, nor shall this Lessee be transferred by operation of law, it being the purpose and spirit of this agreement to grant this Lessee a privilege solely to the Lessee named herein.

13. Employees

All experts, consultants, volunteers or employees of Lessee who are employed by or volunteer their services to Lessee to perform work under this Lease are neither employees of the City nor under contract to the City and Lessee alone is responsible for their work, direction, compensation and personal conduct while engaged under this Lease. Nothing in this Lease shall impose any liability or duty to the City for acts, omissions, liabilities or obligations of Lessee or any person, firm, company, agency, association, corporation or organization engaged by Lessee as expert, consultant, independent contractor, specialist, trainee, employee, servant, or agent of for taxes of any nature including but not limited to unemployment insurance, workers' compensation, disability benefits and social security.

12. Waiver, Release and Consent Agreement

Prior to accessing or using the land, equipment or facilities provided, Lessee agrees to sign the "JERSEY CITY ADOPT-A-LOT WAIVER AND RELEASE OF LIABILITY/MEDICAL AUTHORIZATION & CONSENT" agreement provided by the City. Failure to do so constitutes a breach of this Agreement and, in particular, voids the promise by the City to indemnify Lessee as described in Section 8.

13. Representation

This lease contains the entire contract between the parties. No representative, agent, or employee of the City has been authorized to make any representations or promises with reference to the

within letting or to vary, alter or modify the terms hereof. No additions, changes or modifications, renewals or extensions hereof shall be binding unless reduced to writing and signed by the Landlord and Tenant.

12. Severability

If any provision(s) of this Lease is held unenforceable for any reason, each and all other provision(s) shall nevertheless remain in full force and effect.

13. Choice of Law

This agreement shall be governed by and constructed in accordance with the laws of the State of New Jersey: Any dispute arising under or in connection with this agreement or related to any matter which is the subject of this agreement shall be subject to the exclusive jurisdiction of the State and/or Federal courts located in New Jersey.

IN WITNESS WHEREOF, the parties hereto have cause this to be signed and sealed.

THE CITY OF JERSEY CITY

ATTEST: _____

ADOPT-A-LOT PROGRAM OFFICER

CITY CLERK

DATE: _____

JACKSON HILL MAIN STREET MANAGEMENT CORPORATION

ATTEST: _____

AUTHORIZING OFFICIAL/TITLE

DATE: _____



JERSEY CITY ADOPT-A-LOT WAIVER AND RELEASE OF LIABILITY/MEDICAL AUTHORIZATION & CONSENT

THIS IS A RELEASE OF LEGAL RIGHTS.
PLEASE READ AND UNDERSTAND BEFORE SIGNING.

RECITALS

The undersigned acknowledges that by participating in the Jersey City Adopt-A-Lot Program (the "Program"), the undersigned will be engaging in activities that may involve risks including bodily injury and social and economic losses which might result not only from its own actions, inactions or negligence, but the actions, inactions or negligence of others, the conditions of the premises or any equipment used; and that there may be other risks not known or not reasonably foreseeable. The undersigned additionally acknowledges that the land provided by the Program is provided as is and that the City can make no affirmative statement that the land is environmentally safe, especially for the cultivation of any foods intended for consumption.

The undersigned further acknowledges that the City of Jersey City (the "City"), a municipal corporation of the State of New Jersey with offices at City Hall, 280 Grove Street, Jersey City, New Jersey 07302, has made the Program possible for the enjoyment and satisfaction of the participants, and not for its own personal gain and/or economic benefit, and that the City does not accept any responsibility or liability for any of the above described risks.

AGREEMENT

In consideration of my being allowed to participate in the Program, the undersigned hereby represents and agrees as follows:

- 1.) Agreement to Abide by Rules and Regulations.** The undersigned agrees to abide by all rules and regulations issued by the Program and the City, to observe all posted rules within the garden, to use any equipment provided safely and to follow all written or oral instructions given by authorized personnel of the Program and the City. The undersigned agrees that failure to do so may result in my ejection from the garden and the Program.
- 2.) Assumption of Risks.** Except as otherwise specifically agreed herein, the undersigned assumes all of the risks described in the Recitals section above and accept responsibility for any and all damages of any kind resulting from any injury, permanent disability and/or death.
- 3.) Duty to Advise of Unsafe Conditions.** Prior to using any land, equipment or facilities in the Program, the undersigned will inspect the land, equipment and facilities to be used, and if the undersigned should discover anything that is or may be unsafe, the undersigned will immediately advise authorized personnel of the Program and will refrain from using the land, equipment and facilities as long as such condition persists. If the undersigned observes any hazard during its presence or participation, the undersigned will cease participation in the Program, bring such hazard to the attention of the Program Officer and notify any participants of the Program using the land, equipment and facilities immediately.

4.) Participant's Current Physical Condition and Health. The undersigned certifies that all individuals affiliated with the undersigned and planning to participate in the Program are in sufficient physical condition and health to participate in the Program.

5.) Release of liability. The undersigned hereby releases, waives all claims of liability against, discharges and holds harmless, the City, its respective affiliates, subsidiaries, administrators, officers, directors, employees, agents, volunteers (including, without limitation, volunteers providing medical and/or health-related services) collectively referred to herein as "Released Parties" from any and all liability to the undersigned, heirs and next of kin of Program participants, for any claims, demands, causes of action, losses or damages, on account of bodily injury, death or damage to property, to the fullest extent permitted by law, including all claims of negligence of the persons or entities hereby released, and/or by the negligence of other participants, or other third parties, in connection with my participation in the Program. The undersigned further acknowledges that this Agreement does not apply to acts of gross negligence, willful or wanton misconduct, or intentional conduct by the Released Parties.

6.) Captions. I understand that the captions and titles used above are for convenience of reference only and in no way define, limit or describe the scope or intent of the foregoing provisions.

I have read the above waiver and release in its entirety. **I understand that I am giving up substantial rights by signing this document and hereby acknowledge that I am signing voluntarily.**

SIGNED: _____ **DATE:** _____

AUTHORIZING OFFICIAL/TITLE

Authorization for Emergency Medical Care. In the event that an individual affiliated with the undersigned sustains any injury or illness while participating in the Program, the undersigned hereby authorizes licensed medical personnel to perform or administer to him or her, on an emergency basis, any first-aid, medication, medical treatment or surgery that the licensed medical personnel, in good faith, deem necessary. The undersigned also gives permission for attending emergency medical personnel to execute on my behalf any permission forms or other necessary medical documents and to act on my behalf if I am unable to do so and if no other person is present who is legally authorized to consent to emergency treatment for me.

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.036
TITLE: 3.L FEB 10 2016 4.K **FEB 2 4 2016**

An ordinance authorizing the City of Jersey City to enter into a lease with Jackson Hill Main Street Management Corporation for the use of Block 1931, Lots 22 and 25, more commonly known as 91-93 Harrison Avenue, for a community garden.

RECORD OF COUNCIL VOTE ON INTRODUCTION FEB 10 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING FEB 2 4 2016 9-0											
Councilperson <u>COLEMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE FEB 2 4 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **FEB 10 2016**
Adopted on second and final reading after hearing on **FEB 2 4 2016**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **FEB 2 4 2016**

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date **FEB 2 4 2016**

APPROVED:

Steven M. Fulop, Mayor

Date **FEB 2 6 2016**

Date to Mayor **FEB 2 5 2016**

City Clerk File No. Ord. 16.037

Agenda No. 3.M 1st Reading

Agenda No. 4.2 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.037

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC)
ARTICLE VIII (PERMIT PARKING) AMENDING SECTION 332-58 (PARKING
RESTRICTIONS IN RESIDENTIAL ZONES) OF THE JERSEY CITY TRAFFIC
CODE EXTENDING ZONE 3 RESIDENTIAL PERMIT PARKING TO INCLUDE
SUSSEX STREET FROM VAN VORST STREET WEST TO THE DEAD END

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article XIII (Permit Parking) of the Jersey City Code is hereby supplemented as follows:

Article VIII PERMIT PARKING

Sec. 332-58 Parking restrictions in residential zones.

A. No person shall park a vehicle in excess of two (2) hours; between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except public holidays, without a valid permit upon any of the streets or parts of streets as described below.

Zone 1 and Zone 2 No change

Zone 3

<u>Name of Street</u>	<u>Limits</u>
Canal St	Entire length; Grove to Jersey Av
Essex St	From the eastern terminus to Van Vorst St
Grand St	From 77 Grand St to Jersey Av
Greene St	From Morris Canal <u>[and]</u> to Sussex St
Morris St	From Greene St to Van Vorst St
Sussex St	From Greene St to <u>[Van Vorst St]</u> westerly dead end
Van Vorst St	From Essex St to York St
Washington St	From Morris St to Grand St
Warren St	From Essex St <u>[and]</u> to York St
York St	From Washington St to Warren St

Zone 3 though Zone 10 No Change

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
4. This ordinance shall take effect at the time and in the manner provided by law.
4. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: The new material to be inserted is underscored; the material to be repealed is in [brackets].

JDS:pcl
(02.09.16)

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:
Director of Traffic & Transportation

APPROVED:
Municipal Engineer
APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE VIII (PERMIT PARKING) AMENDING SECTION 332-58 (PARKING RESTRICTIONS IN RESIDENTIAL ZONES) OF THE JERSEY CITY TRAFFIC CODE EXTENDING ZONE 3 RESIDENTIAL PERMIT PARKING TO INCLUDE SUSSEX STREET FROM VAN VORST STREET WEST TO THE DEAD END

Initiator

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Joao D'Souza	Director of Traffic & Transportation
Phone/email	201.547.4470	JOAO@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

AN ORDINANCE EXTENDING ZONE 3 RESIDENTIAL PERMIT PARKING TO INCLUDE SUSSEX STREET FROM VAN VORST STREET WEST TO THE DEAD END

I certify that all the facts presented herein are accurate.



Director of Traffic & Transportation

2/9/16

Date

Signature of Department Director

Date

2/9/2016

Van Vorst St - Google Maps

Google Maps Van Vorst St



Map data ©2016 Google 50 ft

Van Vorst St
Jersey City, NJ 07302



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURE, ENGINEERING, TRAFFIC & TRANSPORTATION
MUNICIPAL SERVICES COMPLEX | 13-15 LINDEN AVE EAST | JERSEY CITY, NJ 07305
P: 201 647 5900 | F: 201 547 5806



ROBERT KAKOLESKI
BUSINESS ADMINISTRATOR

MEMORANDUM

DATE: February 9, 2016

TO: Jeremy Farrell, Corporation Counsel
Robert Kakolessi, Business Administrator
Robert Byrne, City Clerk
Councilwoman Osborne, Ward E

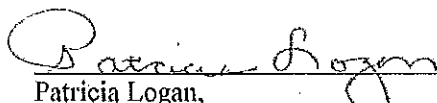
FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

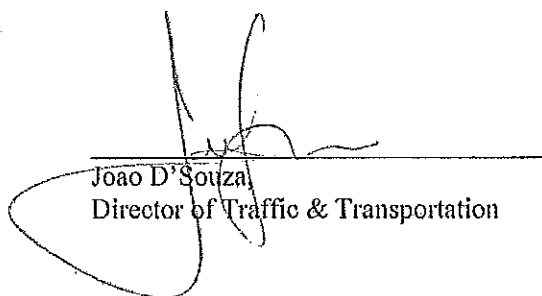
SUBJECT: **PROPOSED ORDINANCE**
PARKING RESTRICTIONS FOR STREET CLEANING PURPOSES
ZONE 3 RESIDENTIAL PERMIT PARKING

An Ordinance has been proposed by this Division, (for Municipal Council approval), supplementing Chapter 332(Vehicles and Traffic) Section 332-31 (Parking restrictions for street cleaning purposes) and Section 332-58 (On-street permit parking zones) of the Jersey City Traffic Code. The proposed legislation designates parking restrictions for street cleaning purposes and extends the Zone 3 Residential Permit Parking on both sides of Sussex Street from Van Vorst Street westerly to the Dead End.

Councilwoman Osborne has been advised of the proposed parking restrictions and has no objections. (Email attached) It has been requested by Mayor Fulop that both Ordinances will be on the Agenda for the February 10, 2016 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492 or at PatriciaL@icnj.org.


Patricia Logan,
Supervising Traffic Investigator


Joao D'Souza
Director of Traffic & Transportation

C: Jose R. Cunha, P.E., Municipal Engineer
Mayor Fulop
Mark Albiez, Chief of Staff
Mark Redfield, Director, DPW
Mary Spinello-Parétti, Business Manager, Division of Parking Enforcement, Public Safety
Council President Lavarro, Jr. Councilwoman Watterman Councilman Rivera
Councilman Gajewski Councilman Ramchal Councilman Boggiano
Councilman Yun Councilwoman Coleman

Patricia Logan

From: Candice Osborne [candice@candiceosborne.com]
Sent: Tuesday, February 09, 2016 12:03 PM
To: Patricia Logan
Cc: Joao D'Souza; Andrew Vischio; Joe Cunha
Subject: Re: Sussex Street Van Vorst St to Dead End

Very much in support

Candice Osborne
Jersey City Councilwoman - Ward E
web: candiceosborne.com | facebook: [/candice.osborne](https://www.facebook.com/candice.osborne) | twitter: [@candiceosborne](https://twitter.com/candiceosborne)

Please be advised that any emails, including attachments, you send to the City of Jersey City ("City"), its directors, officers, and employees are government records that are subject to disclosure upon request under the New Jersey Open Public Records Act and other State law or court order. The City greatly appreciates your communications and is committed to protecting private information you may share with it. Therefore, personal information such as social security numbers, medical information, unlisted telephone numbers, and driver's license numbers contained in emails will be protected by the City to the fullest extent of the law.

On Tue, Feb 9, 2016 at 11:55 AM, Patricia Logan <PatriciaL@jcnj.org> wrote:

Good morning Councilwoman Osborne

We are proposing legislation to extend the Zone 3 (2) hour permit parking restriction and the parking restrictions for street cleaning on Sussex St, Van Vorst St to the dead end.

Please advise if you have any objections.

Thank you.

Pata

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.037
TITLE: 3.M FEB 10 2016 4.L FEB 2 4 2016

An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article VIII (Permit Parking) amending Section 332-58 (Parking Restrictions in Residential Zones) of the Jersey City Traffic Code extending Zone 3 residential permit parking to include Sussex Street from Van Vorst Street west to the dead end

RECORD OF COUNCIL VOTE ON INTRODUCTION FEB 10 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING FEB 2 4 2016 9-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>RAMCHAL</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE FEB 2 4 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on FEB 10 2016
Adopted on second and final reading after hearing on FEB 2 4 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 2 4 2016

Robert Byrle, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date FEB 2 4 2016

APPROVED:

Steven M. Fulop, Mayor

Date FEB 2 6 2016

Date to Mayor FEB 2 5 2016

City Clerk File No. Ord. 16.038

Agenda No. 3. N 1st Reading

Agenda No. 4. M 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.038

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE XIII(PARKING, STANDING AND STOPPING) SECTION 332-31(PARKING RESTRICTIONS FOR STREET CLEANING PURPOSES) DESIGNATING PARKING RESTRICTIONS FOR STREET CLEANING PURPOSES ON SUSSEX STREET FROM VAN VORST, WEST TO THE DEAD END

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

- Chapter 332 (Vehicles and Traffic) Article XIII(Parking, Standing and Stopping) of the Jersey City Code is hereby supplemented as follows:

Section 332-31 Parking restrictions for street cleaning purposes.
No person shall park a vehicle upon any of the streets or sides of the streets either in whole or in part, during the hours of the days listed below.

<u>Name of Street</u>	<u>Side</u>	<u>Days of the Week</u>	<u>Hours</u>	<u>Limits</u>
Sussex St	North	M and Th	1:00 p.m. to 3:00 p.m.	<u>Dead End West of Van Vorst St to Greene St</u>
	South	Tu and F	1:00 p.m. to 3:00 p.m.	

- All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- This Ordinance shall take effect at the time and in the manner as provided by law.
- The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material to be inserted is underscored.

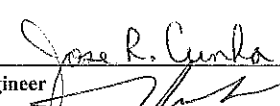
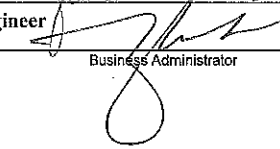
JDS:pol
(02.9.16)

APPROVED: 
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM


Corporation Counsel

Certification Required ☐
Not Required ☐

APPROVED: 
Municipal Engineer
APPROVED: 
Business Administrator

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE XIII(PARKING, STANDING AND STOPPING) SECTION 332-31(PARKING RESTRICTIONS FOR STREET CLEANING PURPOSES) DESIGNATING PARKING RESTRICTIONS FOR STREET CLEANING PURPOSES ON SUSSEX STREET FROM VAN VORST, WEST TO THE DEAD END

Initiator

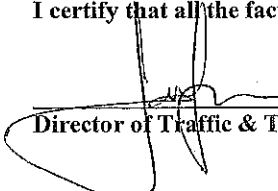
Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Joao D'Souza	Director of Traffic & Transportation
Phone/email	201.547.4470	JOAO@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

AN ORDINANCE DESIGNATING PARKING RESTRICTIONS FOR STREET CLEANING PURPOSES ON SUSSEX STREET FROM VAN VORST, WEST TO THE DEAD END

I certify that all the facts presented herein are accurate.



Director of Traffic & Transportation2/9/16

Date_____
Signature of Department Director_____
Date

Google Maps Van Vorst St

**Van Vorst St**

Jersey City, NJ 07302



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURE, ENGINEERING, TRAFFIC & TRANSPORTATION
MUNICIPAL SERVICES COMPLEX | 13-15 LINDEN AVE EAST | JERSEY CITY, NJ 07305
P: 201 547 5900 | F: 201 547 5806



ROBERT KAKOLESKI
BUSINESS ADMINISTRATOR

MEMORANDUM

DATE: February 9, 2016

TO: Jeremy Farrell, Corporation Counsel
Robert Kakolesski, Business Administrator
Robert Byrne, City Clerk
Councilwoman Osborne, Ward E

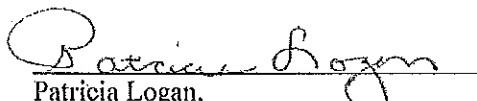
FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

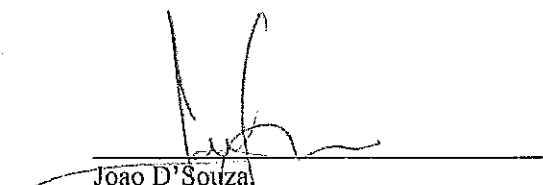
SUBJECT: **PROPOSED ORDINANCE**
PARKING RESTRICTIONS FOR STREET CLEANING PURPOSES
ZONE 3 RESIDENTIAL PERMIT PARKING

An Ordinance has been proposed by this Division, (for Municipal Council approval), supplementing Chapter 332(Vehicles and Traffic) Section 332-31 (Parking restrictions for street cleaning purposes) and Section 332-58 (On-street permit parking zones) of the Jersey City Traffic Code. The proposed legislation designates parking restrictions for street cleaning purposes and extends the Zone 3 Residential Permit Parking on both sides of Sussex Street from Van Vorst Street westerly to the Dead End.

Councilwoman Osborne has been advised of the proposed parking restrictions and has no objections. (Email attached) It has been requested by Mayor Fulop that both Ordinances will be on the Agenda for the February 10, 2016 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492 or at PatriciaL@jcnj.org.


Patricia Logan,
Supervising Traffic Investigator


Joao D'Souza,
Director of Traffic & Transportation

C: Jose R. Cunha, P.E., Municipal Engineer
Mayor Fulop
Mark Albiez, Chief of Staff
Mark Redfield, Director, DPW
Mary Spinello-Parétti, Business Manager, Division of Parking Enforcement, Public Safety
Council President Lavarro, Jr. Councilwoman Watterman Councilman Rivera
Councilman Gajewski Councilman Ramchal Councilman Boggiano
Councilman Yun Councilwoman Coleman

Patricia Logan

From: Candice Osborne [candice@candiceosborne.com]
Sent: Tuesday, February 09, 2016 12:03 PM
To: Patricia Logan
Cc: Joao D'Souza; Andrew Vischio; Joe Cunha
Subject: Re: Sussex Street Van Vorst St to Dead End

Very much in support

Candice Osborne
Jersey City Councilwoman - Ward E
web: candiceosborne.com | facebook: [/candice.osborne](https://www.facebook.com/candice.osborne) | twitter: [@candiceosborne](https://twitter.com/candiceosborne)

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On Tue, Feb 9, 2016 at 11:55 AM, Patricia Logan <PatriciaL@jcnj.org> wrote:

Good morning Councilwoman Osborne

We are proposing legislation to extend the Zone 3 (2) hour permit parking restriction and the parking restrictions for street cleaning on Sussex St, Van Vorst St to the dead end.

Please advise if you have any objections.

Thank you.

Pata

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.038
TITLE: 3.N FEB 10 2016 4.M FEB 2 4 2016

An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article XIII (Parking, Standing and Stopping) Section 332-31(Parking Restrictions for Street Cleaning Purposes) designating parking restrictions for street cleaning purposes on Sussex Street from Van Vorst, west to the dead end.

RECORD OF COUNCIL VOTE ON INTRODUCTION FEB 10 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING FEB 2 4 2016 9-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>WATTERMANN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE FEB 2 4 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on FEB 10 2016
Adopted on second and final reading after hearing on FEB 2 4 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 2 4 2016

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President
FEB 2 4 2016

Date

APPROVED:

Steven M. Fulop, Mayor
FEB 26 2016

Date

Date to Mayor FEB 25 2016